



CITY OF ALAMEDA • CALIFORNIA

SPECIAL MEETING OF THE COMMUNITY IMPROVEMENT COMMISSION TUESDAY - - - MARCH 15, 2005 - - - 6:35 P.M.

Time: Tuesday, March 15, 2005, 6:35 p.m.

Place: **City Council Chambers Conference Room**, City Hall, corner of Santa Clara Avenue and Oak Street.

Agenda:

1. Roll Call.

2. Public Comment on Agenda Items Only.

Anyone wishing to address the Commission on agenda items only, may speak for a maximum of 3 minutes per item.

3. Adjournment to Closed Session to consider:

3-A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of case: Community Improvement Commission v. Rite Aid Corporation, Thrifty, Payless, Inc.

4. Announcement of Action Taken in Closed Session, if any.

Adjournment

Beverly Johnson, Chair
Community Improvement Commission



CITY OF ALAMEDA • CALIFORNIA

SPECIAL MEETING OF THE CITY COUNCIL
TUESDAY - - - MARCH 15, 2005 - - - 7:00 P.M.

Time: Tuesday, March 15, 2005, 7:00 p.m.

Place: **City Council Chambers Conference Room**, City Hall, corner
of Santa Clara Avenue and Oak Street.

Agenda:

1. Roll Call.

2. Public Comment on Agenda Items Only.

Anyone wishing to address the Council on agenda items only,
may speak for a maximum of 3 minutes per item.

3. Adjournment to Closed Session to consider:

3-A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: 2900 Main Street.

Negotiating Parties: City of Alameda and Alameda Gateway,
Ltd.

Under Negotiation: Price and terms.

4. Announcement of Action Taken in Closed Session, if any.

Adjournment


Beverly Johnson, Mayor



CITY OF ALAMEDA • CALIFORNIA

IF YOU WISH TO ADDRESS THE BOARD:

1. Please file a speaker's slip with the Deputy City Clerk, and upon recognition by the Chair, approach the rostrum and state your name; speakers are limited to 3 minutes per item.
2. Lengthy testimony should be submitted in writing and only a summary of pertinent points presented verbally.
3. Applause and demonstrations are prohibited during Board meetings.

ANNUAL MEETING OF THE ALAMEDA PUBLIC FINANCING AUTHORITY TUESDAY - - - MARCH 15, 2005 - - - 7:25 P.M.

Location: **Council Chambers**, City Hall, corner of Santa Clara Avenue and Oak Street.

Public Participation

Anyone wishing to address the Board on agenda items or business introduced by Board Members may speak for a maximum of 3 minutes per agenda item when the subject is before the Board. Please file a speaker's slip with the Deputy City Clerk if you wish to speak on an agenda item.

PLEDGE OF ALLEGIANCE

ROLL CALL

MINUTES

Minutes of the Annual Alameda Public Financing Authority (APFA) Meeting of March 16, 2004.

AGENDA ITEMS

None.

ORAL COMMUNICATIONS (Public Comment)

Any person may address the Board in regard to any matter over which the Board has jurisdiction that is not on the agenda.

BOARD COMMUNICATIONS (Communications from the Board)

ADJOURNMENT



CITY OF ALAMEDA • CALIFORNIA

SPECIAL JOINT MEETING OF THE CITY COUNCIL
AND COMMUNITY IMPROVEMENT COMMISSION
TUESDAY - - - MARCH 15, 2005 - - - 7:27 P.M.

Location: **City Council Chambers**, City Hall, corner of Santa Clara Avenue and Oak Street.

Public Participation

Anyone wishing to address the Council/Commission on agenda items or business introduced by Councilmembers/Commissioners may speak for a maximum of 3 minutes per agenda item when the subject is before the Council/Commission. Please file a speaker's slip with the Deputy City Clerk if you wish to speak on an agenda item.

ROLL CALL

CONSENT CALENDAR

Consent Calendar items are considered routine and will be enacted, approved or adopted by one motion unless a request for removal for discussion or explanation is received from the Commissioners or a member of the public.

- 1-A. Recommendation to approve a form of Assignment and Assumption Agreement between University Avenue Housing and Alameda Point Collaborative.

AGENDA ITEMS

None.

ADJOURNMENT

Beverly Johnson, Mayor
Chair, Community Improvement
Commission



CITY OF ALAMEDA • CALIFORNIA

IF YOU WISH TO ADDRESS THE COUNCIL:

1. Please file a speaker's slip with the Deputy City Clerk and upon recognition by the Mayor, approach the podium and state your name; speakers are limited to three (3) minutes per item.
2. Lengthy testimony should be submitted in writing and only a summary of pertinent points presented verbally.
3. Applause and demonstration are prohibited during Council meetings.

AGENDA - - - - - REGULAR MEETING OF THE CITY COUNCIL
TUESDAY - - - - - MARCH 15, 2005 - - - - 7:30 P.M.

[Note: Regular Council Meeting convenes at 7:30 p.m., **City Hall, Council Chambers, corner of Santa Clara Ave and Oak St.**]

The Order of Business for City Council Meeting is as follows:

1. Roll Call
2. Agenda Changes
3. Proclamations, Special Orders of the Day and Announcements
4. Consent Calendar
5. Agenda Items
6. Oral Communications, Non-Agenda (Public Comment)
7. Council Communications (Communications from Council)
8. Adjournment

Public Participation

Anyone wishing to address the Council on agenda items or business introduced by Councilmembers may speak for a maximum of 3 minutes per agenda item when the subject is before Council. Please file a speaker's slip with the Deputy City Clerk if you wish to address the City Council.

SPECIAL MEETING OF THE COMMUNITY IMPROVEMENT 6:35 P.M.
COMMISSION, CITY COUNCIL CHAMBERS CONFERENCE ROOM
Separate Agenda (Closed Session)

SPECIAL MEETING OF THE CITY COUNCIL 7:00 P.M.
CITY COUNCIL CHAMBERS CONFERENCE ROOM
Separate Agenda (Closed Session)

ANNUAL MEETING OF THE ALAMEDA PUBLIC FINANCING 7:25 P.M.
AUTHORITY, CITY COUNCIL CHAMBERS
Separate Agenda

SPECIAL JOINT MEETING OF THE CITY COUNCIL AND 7:27 P.M.
COMMUNITY IMPROVEMENT COMMISSION, CITY COUNCIL CHAMBERS
Separate Agenda

SPECIAL MEETING OF THE CITY COUNCIL 7:35 P.M.
CITY COUNCIL CHAMBERS CONFERENCE ROOM
Separate Agenda (Closed Session)

1. ROLL CALL - City Council
2. AGENDA CHANGES
3. PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS
 - 3-A. Proclamation declaring March 2005 as Red Cross Month.
4. CONSENT CALENDAR

Consent Calendar items are considered routine and will be enacted, approved or adopted by one motion unless a request for removal for discussion or explanation is received from the Council or a member of the public.

 - 4-A. Minutes of the Special City Council Meeting, the Special Joint City Council and Housing Authority Board of Commissioners Meeting, and Regular City Council Meeting held on March 1, 2005.
 - 4-B. Bills for ratification.
 - 4-C. Recommendation to adopt Zoning Ordinance Text Amendment, ZA03-0003, Citywide Guide to Residential Design.
 - 4-D. Recommendation to authorize the Mayor, City Manager and/or Designee to send letters opposing the proposed suspension of mandated cost reimbursements.
 - 4-E. Adoption of Resolution Upholding the Planning Board's Decision to Readopt ZA04-0002 to the Webster Street Design Guidelines, Known Henceforth as the Webster Street Design Manual.
5. REGULAR AGENDA ITEMS
 - 5-A. Adoption of Resolution Commending Alameda Police Department Captain Rich McWilliams for His Contributions to the City of Alameda.

5-B. Public Hearing to consider an Appeal of the Planning Board's denial of Major Design Review DR04-0082 and Variance V04-0014 to permit the conversion of an existing detached garage to be used as a dwelling unit; **and adoption of related resolution.** The site is located at 1608 Santa Clara Avenue within the R-4, Neighborhood Residential District. Applicant/Appellant: Michele and Frank Mulligan.

5-C. Public Hearing to consider Zoning Text Amendment ZA05-0001 and Rezoning R05-0001 to create a Theater Overlay District and rezone certain properties to the Theater Overlay District; and

- Introduction of Ordinance Amending the Alameda Municipal Code by Amending Section 30-2 (Definitions); Amending Subsection 30-3.2 (Combining Districts); Adding a New Subsection 30-4.22 (T-Theater Combining District); and Reclassifying and Rezoning Certain Properties Within the City of Alameda to Include the Theater Combining District.
[Continued from March 1, 2005]

5-D. Public Hearing to consider a Citywide Zoning Text Amendment ZA04-0001 to review and revise Alameda Municipal Code Section 30-6, Sign Regulations, clarifying current regulations and establishing internal consistency with various Alameda Municipal Code sections with the primary focus on regulations pertaining to Window Signs; and

- Introduction of Ordinance Amending the Alameda Municipal Code by Amending Section 30-2 (Definitions) of Article I (Zoning Districts and Regulations) of Chapter XXX (Development Regulations) by Adding a New Section 30-6 (Sign Regulations) to Chapter XXX (Development Regulations).

5-E. Recommendation to approve the Theatre Design Guidelines and presentation of conceptual parking structure designs.

6. ORAL COMMUNICATIONS, NON-AGENDA (Public Comment)

Any person may address the Council in regard to any matter over which the Council has jurisdiction or of which it may take cognizance, that is not on the agenda.

7. COUNCIL COMMUNICATIONS (Communications from Council)

8. ADJOURNMENT

- For use in preparing the Official Record, speakers reading a written statement are invited to submit a copy to the City Clerk at the meeting or e-mail to: lweisige@ci.alameda.ca.us
- Sign language interpreters will be available on request. Please contact the City Clerk at 747-4800 or TDD number 522-7538 at least 72 hours prior to the Meeting to request an interpreter.
- Equipment for the hearing impaired is available for public use. For assistance, please contact the City Clerk at 747-4800 or TDD number 522-7538 either prior to, or at, the Council Meeting.
- Accessible seating for persons with disabilities, including those using wheelchairs, is available.
- Minutes of the meeting available in enlarged print.
- Audio Tapes of the meeting are available upon request.
- Please contact the City Clerk at 747-4800 or TDD number 522-7538 at least 48 hours prior to the meeting to request agenda materials in an alternative format, or any other reasonable accommodation that may be necessary to participate in and enjoy the benefits of the meeting.



CITY OF ALAMEDA • CALIFORNIA

SPECIAL MEETING OF THE CITY COUNCIL
TUESDAY - - - MARCH 15, 2005 - - - 7:35 P.M.

Time: Tuesday, March 15, 2005, 7:35 p.m.

Place: **City Council Chambers Conference Room**, City Hall, corner
of Santa Clara Avenue and Oak Street.

Agenda:

1. Roll Call.

2. Public Comment on Agenda Items Only.

Anyone wishing to address the Council on agenda items only,
may speak for a maximum of 3 minutes per item.

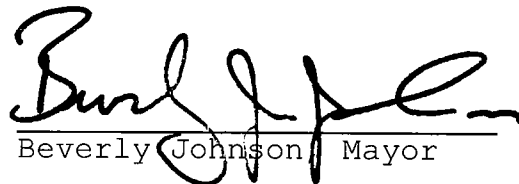
3. Adjournment to Closed Session to consider:

3-A. PUBLIC EMPLOYMENT

Title: City Manager.

4. Announcement of Action Taken in Closed Session, if any.

Adjournment


Beverly Johnson, Mayor

CITY OF ALAMEDA

Memorandum

Date: March 10, 2005

To: Honorable Mayor
and Councilmembers

From: William C. Norton
Interim City Manager

Re: Regular and Special City Council Meetings, Special Meetings of the Community Improvement Commission, Annual Meeting of the Alameda Public Financing Authority, and Special Joint Meeting of the City Council and Community Improvement Commitment Meeting March 15, 2005.

Transmitted are the agendas and related materials for the Regular and Special City Council Meetings, the Special Meetings of the Community Improvement Commission, the Annual Meeting of the Alameda Public Financing Authority, and the Special Joint Meeting of the City Council and Community Improvement Commitment Meeting March 15, 2005.

ANNUAL MEETING OF THE ALAMEDA PUBLIC FINANCING AUTHORITY

MINUTES

Minutes of the Annual Alameda Public Financing Authority (APFA) Meeting of March 16, 2004.

It is recommended that the APFA accept the minutes of APFA Meeting of March 16, 2004.

SPECIAL JOINT MEETING OF THE CITY COUNCIL AND COMMUNITY IMPROVEMENT COMMISSION

CONSENT CALENDAR

- 1-A. Recommendation to approve a form of Assignment and Assumption Agreement between University Avenue Housing and Alameda Point Collaborative.

It is recommended that the City Council and CIC approve the assignment and assumption between University Avenue Housing and Alameda Point Collaborative and authorize execution of the agreement. The ARRA approved this assignment of its Legally Binding Agreement and Property Lease (LBA) to APC on March 2, 2005.

Dedicated to Excellence, Committed to Service

CITY COUNCIL AGENDA

1. ROLL CALL - City Council
2. AGENDA CHANGES
3. PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

- 3-A. Proclamation Declaring March 2005 as Red Cross Month.

At this time, the Mayor will present to Jim Franz of Alameda Red Cross a proclamation declaring March 2005 as Red Cross Month.

CONSENT CALENDAR

- 4-A. Minutes of the Special City Council Meeting, the Special Joint City Council and Housing Authority Board of Commissioners Meeting, and Regular City Council Meeting held on March 1, 2005.

The City Clerk has presented for approval the Minutes of the Special City Council Meeting, the Special Joint City Council and Housing Authority Board of Commissioners Meeting, and the Regular City Council Meeting held on March 1, 2005.

- 4-B. Bills for ratification.

- 4-C. Recommendation to adopt Zoning Ordinance Text Amendment, ZA03-0003, Citywide Guide to Residential Design.

It is recommended that Council accept the draft Guide to Residential Design and direct staff to use the guide for a one year trial period after which staff will report back to both the Planning Board and the City Council. This guide contains more detailed design solutions and would clarify what the community standard is.

- 4-D. Recommendation to authorize the Mayor, City Manager and/or Designee to send letters opposing the proposed suspension of mandated cost reimbursements.

It is recommended that the Mayor, City Manager and/or designee be authorized to send letters opposing the proposed suspension of mandated costs reimbursements to legislative representatives. A suspension would decrease revenues by \$150,000 in each of the next five fiscal years.

- 4-E. Adoption of Resolution Upholding the Planning Board's Decision to Readopt ZA04-0002 to the Webster Street Design Guidelines, Known Henceforth as the Webster Street Design Manual.

It is recommended that the Council readopt the Webster Street Design Guidelines to be henceforth known as the Webster Street Design Manual. The WABA Board reviewed and endorsed the updated manual on November 17, 2004, and the EDC, who had originally reviewed and endorsed the concept in 2001, indicated the current updating did not warrant another review.

REGULAR AGENDA ITEMS

- 5-A. Adoption of Resolution Commending Alameda Police Department Captain Rich McWilliams for His Contributions to the City of Alameda.

Adoption of this resolution acknowledges Captain Rich McWilliams for his service to the community. Captain McWilliams is retiring on March 20, 2005.

- 5-B. Public Hearing to consider an Appeal of the Planning Board's denial of Major Design Review DR04-0082 and Variance V04-0014 to permit the conversion of an existing detached garage to be used as a dwelling unit; **and adoption of related resolution.** The site is located at 1608 Santa Clara Avenue within the R-4, Neighborhood Residential District. Applicant/Appellant: Michele and Frank Mulligan.

It is recommended that Council act to uphold the Planning Board's denial of the Major Design Review and Variance to legalize the unpermitted conversion of an existing detached garage into a dwelling unit at 1608 Santa Clara Avenue within the R-4, Neighborhood Residential District, by adopting the draft City Council resolution included in the agenda packet. The proposed plan to legalize the unpermitted construction requires seven variances. The Planning Board was unable to support the findings necessary to approve the seven requested variances. The inability to meet minimum safety standards also led to a unanimous denial of the application by the Planning Board.

- 5-C. Public Hearing to consider Zoning Text Amendment ZA05-0001 and Rezoning R05-0001 to create a Theater Overlay District and rezone certain properties to the Theater Overlay District; and
- Amending The Alameda Municipal Code By Amending Section 30-2 (Definitions); Amending Subsection 30-3.2 (Combining Districts); Adding a New Subsection 30-4.22 (T-Theatre Combining District); And Reclassifying And Rezoning Certain Properties Within The City of Alameda to Include The Theatre Combining District.

This action supports the public and private investment in the downtown theater project by establishing a Theater Overlay District and rezoning portions of the Park Street Historic Commercial District with the Theater Overlay District. This action limits the construction of new, multi-screen movie theater development and encourages the re-use of under utilized retail facilities.

5-D. Public Hearing to consider a Citywide Zoning Text Amendment ZA04-0001 to review and revise Alameda Municipal Code Section 30-6, Sign Regulations, clarifying current regulations and establishing internal consistency with various Alameda Municipal Code sections with the primary focus on regulations pertaining to Window Signs; and

- Introduction of Ordinance Amending the Alameda Municipal Code by Amending Section 30-2 (Definitions) of Article I (Zoning Districts and Regulations) of Chapter XXX (Development Regulations) by Adding a New Section 30-6 (Sign Regulations) to Chapter XXX (Development Regulations).

Introduction of this ordinance updates the AMC's sign regulations. Members of PSBA, WABA and City staff reviewed Section 30-6 and suggested revisions as depicted in the attached draft ordinance. GABA was also provided with the draft ordinance revisions for their review and comments. The draft code amendments should result in a more streamlined development review process which may result in cost savings to the customer and/or the property owner.

5-E. Recommendation to approve the Theatre Design Guidelines and presentation of conceptual parking structure designs.

It is recommended that Council approve the theatre design guidelines to give direction to the Cineplex developer. Conceptual parking structure designs will also be presented at the meeting. Comments provided by the Council will be included in the Request for Proposals for the structure's design/build contract.

UNAPPROVED MINUTES
MINUTES OF THE ANNUAL ALAMEDA PUBLIC
FINANCING AUTHORITY MEETING
TUESDAY- -MARCH 16, 2004- -7:27 P.M.

Chair Johnson convened the Annual Meeting at 8:52 p.m.

ROLL CALL - Present: Board Members Daysog, Gilmore, Kerr,
Matarrese and Chair Johnson - 5.

Absent: None.

MINUTES

(04-) Minutes of the Annual Alameda Public Financing Authority (APFA) Meeting of March 18, 2003; the Special Joint City Council, APFA and Community Improvement Commission Meetings of September 16, 2003 and October 7, 2003; the Special Joint Alameda Reuse and Redevelopment Authority and APFA Meeting of December 2, 2003; and the Special Joint City Council, Alameda Public Improvement Corporation and APFA Meeting of February 17, 2004. Approved.

Board Member Daysog moved approval of the minutes.

Board Member Kerr seconded the motion, which carried by unanimous voice vote - 5. [Note: Board Member Gilmore abstained from voting on minutes of March 18, 2003.]

ORAL COMMUNICATIONS

None.

BOARD COMMUNICATIONS

None.

ADJOURNMENT

There being no further business Chair Johnson adjourned the Annual Meeting at 8:53 p.m.

Respectfully submitted,

Lara Weisiger, Secretary
Alameda Public Financing Authority

The agenda for this meeting was posted in accordance with the Brown Act.

City of Alameda
MEMORANDUM

February 24, 2005

To: Honorable Mayor and Members of the City Council
Honorable Chair and Members of the Community Improvement Commission

From: William C. Norton
Interim City Manager/Interim Executive Director

Re: Recommendation to Approve a Form of Assignment and Assumption Agreement
Between University Avenue Housing and Alameda Point Collaborative

Background

As required by the federal Base Closure and Community Redevelopment and Homeless Assistance Act of 1994, the Alameda Reuse and Redevelopment Authority (ARRA) worked with the Alameda County Department of Housing and Community Development (County) and an organized group of homeless service providers, known as the Alameda County Homeless Providers Base Conversion Collaborative (currently known as the Alameda Point Collaborative (APC)) to determine the quantity of residential and commercial square footage that would constitute a reasonable accommodation of the homeless at the former Alameda Naval Air Station (Alameda Point).

On May 3, 1995, the ARRA adopted the Standards of Reasonableness that provides general commitments related to future reuse goals at Alameda Point. In 1996, the ARRA approved the form of a Legally Binding Agreement and Property Lease (LBA) to be used by the Alameda Point Collaborative and each Provider that was allocated housing units to accommodate its clients. The 59-year term of each LBA was to begin once the underlying real property was conveyed by the Navy to the ARRA. Believing that the Navy would soon convey the real property, the Providers began to raise funds to rehabilitate their units. The ARRA subsequently entered into Interim Subleases with the Providers, including University Avenue Housing (UA Housing), in order to permit them to establish "site control" necessary to retain federal and state grant funding.

In February 2000, the City of Alameda (City), the Community Improvement Commission (CIC), ARRA, the Alameda Housing Authority (HA), County and APC executed a Memorandum of Understanding (MOU) that provided for 30 of the previously designated UA Housing units to be relocated from East Housing to West Housing. As consideration, the City and CIC agreed to contribute funds toward the rehabilitation of the UA Housing project.

Discussion

UA Housing entered into its LBA in 2001. Subsequently, UA Housing requested and the ARRA approved an assignment of its LBA to the Alameda Point Collaborative on March 2, 2005. The ARRA approved the transfer, based on the attached form of assignment and assumption Agreement. To complete the assignment and assumption of UA Housing's rights and obligations to the Alameda Point Collaborative, the CIC and City Council must also approve the form of assignment and assumption agreement. As noted above, the CIC and City contributed financially to the renovation of the UA Housing units. The two CIC covenants and the City's HOME documents require approval of any requested transfer.

Therefore, the City Attorney's office has prepared and approved as to form the attached form of assignment and assumption agreement (Attachment A). Upon execution of this agreement, UA Housing and the APC can begin their transition process and APC can move forward with its next step of closing on the necessary loan documents related to the City and CIC funding as well as County and Federal Home Loan Bank Board funds. Through the assignment and assumption agreement, APC will accept the assignment, from UA Housing, of all of UA Housing's rights and obligations with respect to the LBA, the Affordable Housing Covenants, and the HOME documents. The assigned Affordable Housing Covenants and HOME documents will be recorded against the lease area and ensure that certain units remain affordable through the remaining 52-year term of the LBA.

Fiscal Impact

There is no fiscal impact to approving the form of the assignment and assumption agreement.

Recommendation

It is recommended that the City Council and CIC approve the assignment and assumption, based on the attached form of Agreement, between UA Housing and APC and authorize the Interim City Manager and Interim Executive Director to execute the Agreement.

Respectfully submitted,



Leslie Little

Development Services Director



By: Debbie Potter

Base Reuse and Redevelopment Manager

Attachment A: Form of Assignment and Assumption Agreement

**FORM OF
ASSIGNMENT AND ASSUMPTION AGREEMENT
(UA Housing)**

This Assignment and Assumption Agreement (UA Housing) (the "Agreement") is dated as of _____, 2005 ("Effective Date"), and is entered into by and among the Alameda Reuse and Redevelopment Authority, a joint powers authority formed under California law (the "ARRA"); the Community Improvement Commission of the City of Alameda, a public body, corporate and politic (the "CIC"); the City of Alameda, a municipal corporation (the "City"); Alameda County, through its Department of Housing and Community Development, a political subdivision of the State of California (the "County"); UA Housing, Inc. a California nonprofit public benefit corporation ("UA Housing"); and Alameda Point Collaborative, Inc., a California nonprofit public benefit corporation ("APC"), with reference to the following facts:

A. In connection with certain funding the City, the CIC and UA Housing entered into two (2) separate Affordable Housing Covenants, each dated as of August 1, 2000 (collectively, the "Covenants").

B. In connection with the use of HOME funds, the City and UA Housing entered into a Contract, dated August 1, 2000 (the "Contract") and a Regulatory Agreement dated August 2000 (the "Regulatory Agreement"). The Contract, Regulatory Agreement and all other agreements by and between the City and UA Housing with respect to the use of HOME funds shall be referred to herein collectively as the "HOME Documents".

C. The Covenants and the Regulatory Agreement are to be recorded concurrently with the LBA (as defined below).

D. The ARRA, the County, UA Housing and APC entered into that certain Legally Binding Agreement and Property Lease dated December 17, 2001 for certain premises located at Alameda Point, Alameda, California (the "LBA").

E. The leased premises have been rehabilitated and have been continuously operated by UA Housing, as Provider under the LBA, and managed by APC since February 1, 1999.

F. UA Housing desires to assign to APC and APC desires to accept the assignment from UA Housing of all of UA Housing's rights and obligations with respect to the LBA, the Covenants, and the HOME Documents.

G. The consent of the ARRA and the County to the assignment of UA Housing's rights and obligations under the LBA is required pursuant to Section 6(a) of the LBA.

NOW, THEREFORE, in consideration of the foregoing and the mutual promises of the parties hereto and for other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, the parties mutually agree as follows:

1. Assignment by UA Housing. As of the Effective Date, UA Housing hereby assigns and delegates to APC all of UA Housing's rights, title, interest and obligations under (a) the LBA, (b) each of the Covenants, and (c) the HOME Documents.

2. Acceptance of Assignment. As of the Effective Date, APC hereby accepts the foregoing assignment and delegation and hereby assumes and agrees to perform each and every one of UA Housing's duties, obligations, covenants, and agreements under or pursuant to (a) the LBA, (b) each of the Covenants, and (c) the HOME Documents, and further agrees to be bound by the terms and provisions of (a) the LBA, (b) each of the Covenants, and (c) the HOME Documents. Any reference to UA Housing in (a) the LBA, (b) each of the Covenants, and (c) the HOME Documents, shall hereafter be deemed a reference to APC.

3. Consent to Assignment of Covenants. The City and the CIC hereby consent to the foregoing assignment and delegation of each of the Covenants from UA Housing to APC.

4. Consent to Assignment of HOME Documents. The City hereby consents to the foregoing assignment and delegation of the HOME Documents from UA Housing to APC.

5. Consent to Assignment of LBA. The ARRA and the County hereby consent to the foregoing assignment and delegation of the LBA from UA Housing to APC.

6. Representations and Authorization.

(a) UA Housing and APC represent and warrant that all of the financial and other information required by Section 6 of the LBA has been provided to the ARRA and to the County.

(b) Further, UA Housing and APC represent and warrant that the foregoing assignment and delegation shall not jeopardize funding sources for rehabilitation and/or operations of the premises subject to the LBA and that UA Housing and APC have obtained all necessary consents and completed all required documentation for the transfer and continuation of all such funds concurrent with the foregoing assignment and delegation.

(c) UA Housing has full power and authority to enter into this Agreement, and to otherwise perform its obligations hereunder without the consent of any other person or entity. The execution, delivery and performance of this Agreement, the fulfillment of and compliance with the terms and provisions hereof and the due consummation of the transactions contemplated hereby have been duly and validly authorized and approved by all requisite corporate and other actions, all of which are in full force and effect.

7. Captions. The captions of this Agreement are inserted only as a matter of convenience and for reference. They do not define, limit or describe the scope or intent of this Agreement and they shall not affect the interpretation hereof.

8. Governing Law. This Agreement and all matters relating to it shall be governed by the laws of the State of California.

9. No Other Modifications. Except as modified by this Agreement, (a) the LBA, (b) each of the Covenants, and (c) the HOME Documents, shall continue unmodified and in full force and effect.

10. Counterparts. This Agreement may be signed by different parties hereto in counterparts with the same effect as if the signatures to each counterpart were upon a single instrument. All counterparts shall be deemed an original of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

UA HOUSING:

UA Housing, Inc.,
a California nonprofit public benefit corporation

By: _____
Name: _____
Its: _____

APC:

Alameda Point Collaborative, Inc.,
a California nonprofit public benefit corporation

By: _____
Name: _____
Its: _____

ARRA:

Alameda Reuse and Redevelopment Authority,
a joint powers authority formed under California law

By: _____
Name: _____
Title: _____

Approved as to form:

By: _____
Name: _____
Title: _____

CIC:

COMMUNITY IMPROVEMENT COMMISSION OF THE CITY OF ALAMEDA,
a public body, corporate and politic

By: _____
Name: _____
Title: _____

Approved as to form:

By: _____
Name: _____
Title: _____

CITY:

CITY OF ALAMEDA,
a municipal corporation

By: _____
Name : _____
Title: _____

Approved as to form:

By: _____
Name: _____
Title: _____

COUNTY:

ALAMEDA COUNTY HOUSING AND COMMUNITY DEVELOPMENT,
a political subdivision of the State of California

By: _____
Name : _____
Title: _____

Approved as to form:

By: _____
Name: _____
Title: _____

Proclamation

Whereas, the American Red Cross Bay Area has served our community by providing lifesaving information, training, and disaster relief to individuals and families; and,

Whereas, the Red Cross is a leading voluntary agency meeting the needs of individuals and families affected by personal emergencies and disaster; and,

Whereas, the Red Cross has trained thousands in our community in essential skills such as first aid and CPR, and provided education and disaster preparedness information, saving untold numbers of lives; and,

Whereas, the American Red Cross Blood Services, Northern California Region, provides more than 120,000 pints of blood to local patients each year; and,

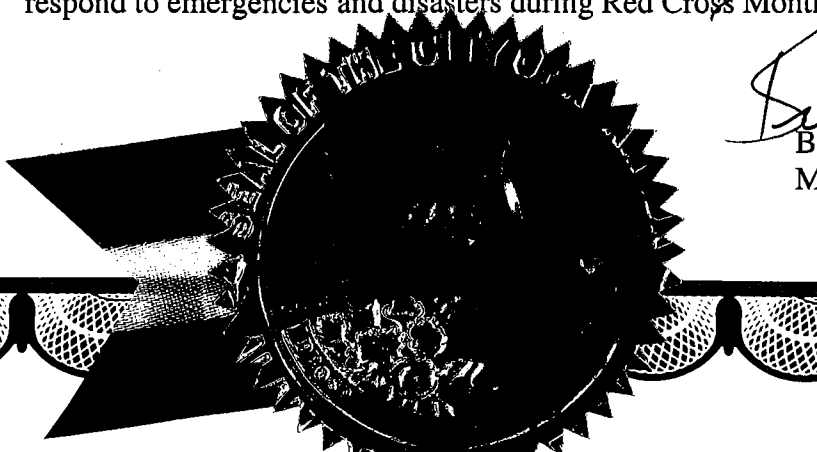
Whereas, March has been designated as "Red Cross Month" by U.S. Presidential Proclamation to celebrate the achievement of the Red Cross in the services it provides to communities nationwide;

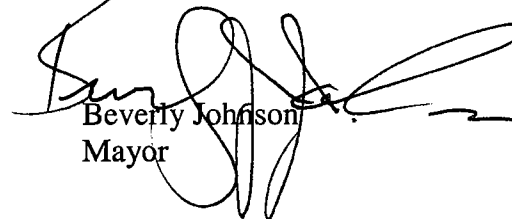
Now, therefore, I, Beverly Johnson, Mayor of the City of Alameda, do recognize the Red Cross as the lead voluntary agency to help families prepare for a disaster and meet the immediate needs of individuals affected by disaster, and a leading voluntary agency training families in first aid, CPR, and preparedness education; and providing blood and other needed services.

Further, I, Beverly Johnson, Mayor of the City of Alameda, declare March, 2005 as

Red Cross Month

in the City of Alameda and urge that our community acknowledge and support the ongoing contribution of the Red Cross in helping our families prevent, prepare for, and respond to emergencies and disasters during Red Cross Month and throughout the year.




Beverly Johnson
Mayor

UNAPPROVED MINUTES
MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY - - - MARCH 1, 2005 - - - 6:30 P.M.

Mayor Johnson convened the Special Meeting at 6:40 p.m.

Roll Call - Present: Councilmembers Daysog, deHaan, Gilmore,
Matarrese and Mayor Johnson - 5.

Absent: None.

(05-) Conference with Real Property Negotiators - Property: 1429
Oak Street; Negotiating parties: City of Alameda and County of
Alameda; Under negotiation: Price and terms.

Following the Closed Session, the Special Meeting was reconvened
and Mayor Johnson announced that the Council gave direction to the
Real Property negotiators.

Adjournment

There being no further business, Mayor Johnson adjourned the
Special Meeting at 6:50 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the
Brown Act.

UNAPPROVED MINUTES
MINUTES OF THE SPECIAL JOINT CITY COUNCIL AND
HOUSING AUTHORITY BOARD OF COMMISSIONERS MEETING
TUESDAY - - - MARCH 1, 2005 - - - 6:50 P.M.

Mayor/Chair Johnson convened the Special Joint Meeting at 6:55 p.m.

Roll Call - Present: Councilmembers/Commissioners Daysog,
deHaan, Gilmore, Matarrese, Commissioner
Torrey, and Mayor/Chair Johnson - 6.

Absent: None.

(05-) Conference with Legal Counsel - Existing Litigation; Name
of cases: Housing and Urban Development [Claim No. 178760 and
177448].

Following the Closed Session, the Special Joint Meeting was
reconvened and Mayor/Chair Johnson announced that the
Council/Commission gave direction to Legal Counsel.

Adjournment

There being no further business, Mayor/Chair Johnson adjourned the
Special Meeting at 7:25 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown
Act.

UNAPPROVED MINUTES
MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -MARCH 1, 2005- -7:30 P.M.

Mayor Johnson convened the meeting at 8:08 p.m.

ROLL CALL - Present: Councilmembers Daysog, deHaan, Gilmore,
Matarrese and Mayor Johnson - 5.

Absent: None.

AGENDA CHANGES

(05-) Mayor Johnson announced that the Resolution Approving Parcel Map 8574 [paragraph no. 05-] would be addressed at a later date.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

None.

CONSENT CALENDAR

Councilmember Matarrese moved approval of the Consent Calendar, excluding the Resolution Approving Parcel Map 8674 [paragraph no. 05-].

Councilmember deHaan seconded the motion, which carried by unanimous voice vote - 5.

[Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*05-) Minutes of the Special Joint City Council, Community Improvement Commission (CIC) and Alameda Reuse and Redevelopment Authority Meeting held on February 1, 2005; and the Special Joint City Council and CIC Meeting, the Special City Council Meeting and the Regular City Council Meeting held on February 15, 2005. Approved.

(*05-) Ratified bills in the amount of \$2,312,454.99.

(*05-) Recommendation to accept the Quarterly Sales Tax Report for the third calendar quarter of 2004. Accepted.

(*05-) Recommendation to authorize the Mayor, City Manager

Regular Meeting
Alameda City Council
March 1, 2005

and/or designee to send letters opposing the proposed elimination of the Community Development Block Grant Program and related federal programs in the Administration's 2006 budget. Accepted.

(05-) Adoption of Resolution Approving Parcel Map No. 8574 for a Sixteen Lot Subdivision at Harbor Bay Business Park. **Not heard.**

REGULAR AGENDA ITEMS

(05-) Resolution No. 13820, "Commending Recreation and Park Director Suzanne Ota for Her Contributions to the City of Alameda." Adopted.

Councilmember Daysog moved adoption of the Resolution.

Vice Mayor Gilmore seconded the motion, which carried by unanimous voice vote - 5.

Mayor Johnson read the Resolution and presented it to Suzanne Ota; stated that Ms. Ota has done an outstanding job.

The Interim City Manager presented Ms. Ota with flowers.

Vice Mayor Gilmore stated that she started her service to the City working with the Recreation and Park Department; she always appreciated Ms. Ota's enthusiasm, energy and "can do" spirit.

Councilmember Daysog stated that Ms. Ota brings so much joy to so many parts of the community.

Councilmember Matarrese stated that the City will miss Ms. Ota; as a citizen as well as a Councilmember, he appreciates the great job that Ms. Ota has done.

Councilmember deHaan stated that Ms. Ota should feel very comfortable in her accomplishments.

(05-) Public Hearing to consider rezoning ZA 05-0001/R 05-0001 Zoning Text Amendment/Reclassification to add a Theater Overlay District and rezoning certain properties to include the Theater Overlay District; and

(05- A) Introduction of Ordinance Amending the Alameda Municipal Code by Amending Section 30-2 (Definitions); Amending Subsection 30-3.2 (Combining Districts); Adding a New Subsection 30-4.22 (T-Theater Combining District); and Repealing Subsection 30-6.23(2)(b) of Chapter XXX (Development Regulations) and Reclassifying and

Rezoning Certain Properties Within the City of Alameda to Include the Theater Combining District. **Continued to March 15, 2005.**

(05-) Establishment of a Task Force that will propose strategies to prevent future mass evictions from rental housing complexes in the City of Alameda.

The Interim City Manager outlined the suggested structure and mission of the Task Force; stated the Task Force would meet on a regular basis and report back to the Council within 90 days.

Carol Martino, Alameda, stated that she would like to serve on the Task Force.

Steven Edrington, Rental Housing Association, stated that the matter should not overly politicized to ensure progress is made and there is a balanced committee.

Kathy Lautz, Apartment Owners Association, volunteered to serve on the Task Force.

Lorraine Lilley, Harbor Island Tenants Association, stated that new laws are necessary to protect tenants; suggested that the committee have two Harbor Island Tenant Association representatives and two at-large tenants.

Councilmember deHaan inquired how the nominations would be made.

Mayor Johnson responded that she would like to receive input from Council; that Council should submit names for potential Task Force members.

Councilmember Daysog stated there should be a specific period of time for application submittals.

Mayor Johnson inquired whether the Task Force would be an informal committee, to which the Assistant City Attorney responded in the affirmative.

(05-) Ordinance NO. 2936, "Amending the Alameda Municipal Code to Increase the Composition of the Golf Commission from Five to Seven Members by Amending Subsections 2-9.1 (Commission Created; Composition), 2-9.2 (Membership; Appointment; Removal) and 2-9.3 (Voting) of Section 2-9 (City Golf Commission)." Finally passed.

Councilmember deHaan moved final passage of the ordinance.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

ORAL COMMUNICATIONS, NON-AGENDA

(05-) Martin White stated that the Development Services Department provided moderate income housing for the Bayport housing development at 110% of the median income but cut off at 80% of the median income; redevelopment law does not allow for cut offs; stated he met with the Director of Development Services about the matter.

Mayor Johnson requested staff to provide Council with a report on the matter.

Councilmember Daysog stated that moderate income, by definition, is 80% to 110% of median.

(05-) Hallemariam Alema, Alameda, stated that he won the lottery for moderate income housing in the Bayport housing development; he has an income of \$64,000 and has been disqualified.

Mr. Alema's wife stated that the Development Services Director is unable to provide reasons for the disqualification.

Councilmember Matarrese stated that the couple won the lottery; the range for moderate income is 110%; \$64,000 is below the range and is the reason for disqualification.

COUNCIL COMMUNICATIONS

(05-) Selection of Councilmember and alternate to serve as the League of California Cities East Bay Division representative.

Mayor Johnson stated that Councilmember Daysog has volunteered to serve as the City's representative and Vice Mayor Gilmore has volunteered to serve as the alternate.

Councilmember Matarrese moved that Councilmember Daysog serve as the City's representative for the League of California Cities East Bay Division and that Vice Mayor Gilmore serve as the alternate.

Mayor Johnson seconded the motion, which carried by unanimous voice vote - 5.

Councilmember Daysog stated that the East Bay Division meeting he attended two weeks ago was very nice.

(05-) Councilmember Matarrese stated that he looks forward to providing Council with a report on the AC Transit Council Liaison Committee Meeting held last Thursday.

(05-) Mayor Johnson inquired whether Councilmember deHaan wanted the matter of increasing the number of members on the Recreation and Parks Commission brought back to Council.

Councilmember deHaan responded that the Commission could address the matter.

(05-) Councilmember deHaan stated that he is pleased that trash containers are being changed at bus stops and throughout the business districts; inquired what was the reason for the change and who provides the maintenance; that he is concerned that the surfaces could be graffitied.

The Interim City Manager responded that the containers are being maintained by City staff.

Councilmember deHaan inquired whether maintenance is part of the garbage contract, to which the Interim City Manager responded the garbage contractor empties the containers.

(05-) Mayor Johnson requested that the theatre design guidelines and schedule update be brought back to Council at the next City Council Meeting.

ADJOURNMENT

There being no further business, Mayor Johnson adjourned the meeting at 8:47 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

March 10, 2005

Honorable Mayor and Councilmembers:

This is to certify that the claims listed on the check register and shown below have been approved by the proper officials and, in my opinion, represent fair and just charges against the City in accordance with their respective amounts as indicated thereon.

Check Numbers

Amount

133802 - 134286	2,634,296.74
EFT 103	665,283.75
EFT 104	16,660.00
EFT 105	318,881.24
EFT 106	764,799.98
EFT 107	45,796.68
EFT 108	1,000,754.52
EFT 109	256,117.57
EFT 110	40,000.00
EFT 111	40,000.00
EFT 112	811,120.19
E13247 - E13358	68,190.38

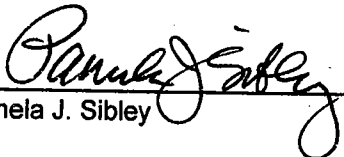
Void Checks:

132590	(1,750.00)
132832	(26.60)
133651	(9.52)

GRAND TOTAL

6,660,114.93

Respectfully submitted,


Pamela J. Sibley

City of Alameda

Memorandum

Date: March 2, 2005

To: Honorable Mayor and
Councilmembers

From: William C. Norton,
Interim City Manager

Re: Recommendation to consider the Planning Board of the City of Alameda's
recommendation to adopt ZA03-0003 – Residential Guide to Design/City-wide

BACKGROUND

In 1974, the City adopted a Design Review Manual to assist the Design Review Board. After the dissolution of the Design Review Board the Design Review function became the responsibility of Planning Staff who continued to use the Manual. In 1991, the City contracted with Jacobsen and Wack to develop a new Development Code which included both residential and commercial draft Design Guidelines. This Development Code was not adopted. However, Staff believed that the draft Design Guidelines could be used and expanded into a new Design Review Manual. The City Council budgeted additional funds toward that end in the late 1990's.

Staff began meeting with the Alameda Architectural Preservation Society (AAPS) to expand the draft Guidelines. In Summer and Fall of 2002, Staff conducted a series of three Design Workshops to solicit public input. Notices were sent to local architects, contractors, engineers, realtors and others who had indicated an interest. Announcements were also placed in the marquee at City Hall and provided to every real estate office registered in the City Finance Department.

Based on the comments received, Staff and a consultant completed the draft guidelines. This draft was presented to the Planning Board in February 2004. The Board held two additional hearings in 2004 and the draft guidelines were further refined. A final draft was presented to the Planning Board in November 2004. At that time the Board recommended that graphics be prepared and the documents be forwarded to the City Council. Alameda Architectural Preservation Society members Dick Rutter, Scott Brady and Chris Buckley volunteered time and talent in preparation of the graphics which have been integrated into the final draft.

The Planning Board recommends that the Council direct Staff to use the *Guide to Residential Design* for a one year trial period. During that time the Guide would be used on actual projects which allow for further revisions or refinement. After the trial period, Staff would report back to both the Planning Board and the City Council and recommend any necessary changes.

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DISCUSSION/ANALYSIS

The draft *Guide To Residential Design* contains a Statement of Values, Guiding Parameters, an Index, the Guidelines, and Appendices. The Guidelines are in a question and answer format based on frequently asked questions by property owners. It will be possible to easily insert additional Guidelines and graphics as needed. The Guide includes a wide range of sections including common development proposals including addition of second stories, replacement of existing windows and siding, as well as appropriate placement and design of garages and construction on new dwellings. The format allows either the entire document or a pertinent section to be provided to a designer or homeowner. Staff would be able to approve projects which meet the guidelines; projects which do not would be reviewed by the Planning Board. This is consistent with current practice. However, the Guide contains more detailed design solutions and would clarify what the community standard is. The Planning Board recommended trial period will allow the community to use the Guide, recommend any changes, clarifications or additions.

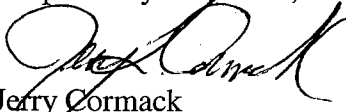
BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

RECOMMENDATION

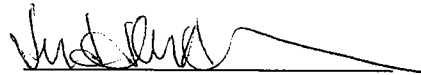
The City Manager recommends that the City Council accept the draft Guide to Residential Design and to direct Staff to use the Guide for a one year trial period after which Staff will report back to both the Planning Board and the City Council.

Respectfully submitted,



Jerry Cormack
Interim Planning Director

By:



Judith Altschuler
Supervising Planner

Attachment:

(Please note: attachment on file in the City Clerk's office)

1. Guide to Residential Design

G:\PLANNING\CC\REPORTS\2005\F-Mar 15\guidetodesign.doc

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CITY OF ALAMEDA MEMORANDUM

Date: March 4, 2005

To: Honorable Mayor and
Councilmembers

From: William C. Norton
Acting City Manager

Re: Authorization for the Mayor, City Manager and/or Designee to Send Letters
Opposing the Proposed Suspension of Mandated Costs Reimbursements

BACKGROUND

In the 1980's, legislation was enacted to provide funding for work delegated by the State to local agencies. The actual bill was SB 90, hence the title of SB 90 Mandates. Over the years, the State has continued to delegate programs and projects but has, for many years, failed to provide funding for the reimbursement to local agencies for their work in meeting the programs and projects.

In November 2004, with the passage of Proposition 1A, the State Constitution was amended to preclude the non-payment of mandates (the legislature must either eliminate the mandate or fund it) and to require the repayment of prior year mandates in FY 2006 and FY2007.

DISCUSSION/ANALYSIS

The City of Alameda has filed claims for reimbursement prior to FY2005 totaling \$1,099,882 and received \$243,034 against those claims. Of the \$856,848 unreimbursed balance, approximately \$727,208 is for programs for which mandate reimbursement has not yet been suspended. Claims for FY2005 have been filed totaling \$204,310. Historically, only 80% of claims amounts have been funded. This would mean a total of \$745,214 for the City of Alameda. Proposition 1A requires repayment over the next five fiscal years beginning in October 2006 of these pending claims. This could result in approximately \$150,000 per year added to Alameda's revenues.

The Governor is proposing to suspend mandates in the FY2006 State Budget. A mandate suspension means that the state is making the performance of certain state mandates optional for at least the time the state budget is in effect. During a suspension, the state does not have to provide reimbursement for any cost incurred by the local agency for performing the mandated activity. The State Mandate Reimbursement process is still alive, however, the state is slowly suspending key programs leaving local agencies with the financial burden of mandates that have

become close to impossible to discontinue. For example, Alameda is required to abide by the Open Meetings Act/Brown Act Reform requirements. In FY 2004, the cost to implement these statutory requirements was \$62,330.

The State Legislature, via enactment of the State budget, is the body that can legally suspend these mandates. As part of his proposed budget the Governor is recommending suspension of the Mandate Reimbursement process and Regional Housing Needs. These two programs represent \$62,785 in costs for the City. The Domestic Violence Information reporting program was suspended in prior years and is also included in the list of programs proposed for suspension in FY 2006. Alameda's costs in FY 2005 are estimated to be \$7,945. Unreimbursed costs for prior years total \$19,720.

FINANCIAL IMPACT

The net cost to the City of Alameda for suspension of reimbursement of mandated costs is approximately \$931,518. At the usual reimbursement rate of 80%, this represents \$745,214 of revenues at the rate of approximately \$150,000 in each of the next five fiscal years.

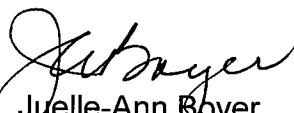
Though the State may suspend the mandates, there are several that will simply continue because the community has come to expect them. The costs will continue but will not be considered for reimbursement by the state.

RECOMMENDATION

The Acting City Manager recommends that the Mayor, City Manager and/or Designee be authorized to send letters opposing the proposed suspension of Mandated Costs Reimbursements to the Assembly Speaker, Minority Floor Leader, and Budget Committee Chair as well as the Senate President Pro Tempore, the Minority Leader and the Budget Committee Chair.

Respectfully submitted,

William C. Norton
Acting City Manager

By: 
Juelle-Ann Boyer
Chief Financial Officer

JAB/dl

City of Alameda

Memorandum

Date: March 3, 2005

To: Honorable Mayor and Councilmembers

From: William C. Norton,
Interim City Manager

Re: Recommendation to consider the Planning Board's recommendation to adopt ZA04-0002 – amending the Webster Street Design Guidelines to be known henceforth as the Webster Street Design Manual.

BACKGROUND/ DISCUSSION

In 2001, a group of volunteers working under the direction of the West Alameda Business Association (WABA) Design Committee formulated the first “Webster Street Design Guidelines.” The Guidelines were adopted by the Planning Board September 24 2001 and have been in use since. They were crafted in concert with a series of public workshops with Webster Street business and property owners to elicit feedback. This initial effort was characterized as a “grass roots” effort, a bridge to a final document.

In 2002, a landscape architect Michael Smiley was asked to review the Guidelines. Mr. Smiley is chief landscape architect on both the Webster Street Renaissance Project and the Park Street Streetscape and the Town Center Project. As a result, he has a high degree of familiarity with Alameda downtown business districts. His assessment found the Guidelines basically complete, however, he recommended further refinements to provide clarity and improved implementation. His recommendations, as carried out in the updated Manual, include the following:

- Articulate a design vision up front – accomplished through the “Objectives” section, page 6
- Begin each section with a statement of intent
- Explain design preferences through the use of “encouraged” and “discouraged” examples
- Use more and higher-quality pictures to illustrate design principles

In addition, the Manual reiterates its relationship to the City's General Plan, specifically section 3.3.e of the Plan which recommends the development of detailed Design Guidelines for Alameda neighborhoods and business districts. The updated Manual also includes a list of Webster Street Buildings on Alameda's Historical Building Study List, not included in the previous Design Guidelines.

Garavaglia Architecture (GA) assisted in the process of updating the Webster Street Design Guidelines. Prior to beginning the project, GA staff performed the “windshield” survey of the

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**Re: Resolution #4-E CC
3-15-05**

District recommended by landscape architect Michael Smiley. Additionally, GA staff met with both City staff, including Development Services and Planning, and West Alameda Business Association staff and volunteers several times to discuss the first Design Guidelines and elicit further input for its updating.

The WABA Board reviewed and endorsed the updated Webster Street Design Manual on November 17, 2004. The Economic Development Commission (EDC) declined a second review. The EDC had originally reviewed and endorsed the concept in 2001 but indicated the current updating did not warrant another review.


BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

RECOMMENDATION


The City Manager recommends that the City Council hold a public hearing, consider all pertinent testimony and information, then act to readopt the Webster Street Design Guidelines to be henceforth known as the Webster Street Design Manual.

Respectfully submitted,



Jerry Cormack
Interim Planning Director

By:



Judith Altschuler
Supervising Planner

Attachments

1. Webster Street Design Manual

Cc Sherry Stieg, Executive Director, West Alameda Business Association
Sue Russell, Development Services Department

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Webster Street Design Manual

Adopted by Planning Board Resolution PB-01-58 on September 24, 2001

Updated by the Planning Board January 10, 2005

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Design Guidelines

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Appendices

A	Map of Webster Street
B	Secretary of the Interior's Standards for Rehabilitation
C	Webster Street Buildings that are City of Alameda Historical Monuments or on the Historical Building Study List

Acknowledgments

This report was initially produced by the Design Committee of the West Alameda Business Association. This revised document would not have been possible without the help of the following people, who envisioned the concept of design guidelines, prepared presentations on downtown design, attended workshops, and commented on draft versions of the Guidelines.

- City of Alameda
- West Alameda Business Association
- Property Owners
- Business Owners
- Residents
- Garavaglia Architecture

Introduction

Historical background

Webster Street has a very colorful history. Originally, West Alameda was home to Neptune Beach, dubbed the “Coney Island of the West.” Neptune Beach was host to the largest roller coaster in the west, beachside picnic areas, beer gardens, dance halls, theatres, and was home of the Popsicle; these features created a peaceful, resort-like nature for the area. This era has been chosen as a reference for future improvements to Webster Street due to its positive image of family-oriented recreation and services. A snapshot of the Neptune Beach heyday would include 1920s swimmers, a “Coney Island festival” atmosphere, including striped awnings, recreational activities, banners and flags. While it is not our intent to recreate this era, the friendliness of the people, the historic characteristics and intimacy of the shops and mixed uses have been important aspects of West Alameda’s allure.

Webster Street Architecture

Many fine buildings were built along Webster Street during this period, and many remain today. The buildings on Webster Street have varied stylistic appearances, but they are generally one and two story commercial structures that face directly onto the sidewalk. The earliest buildings date to the latter part of the 19th Century. Architectural periods and styles represented on Webster Street include:

- Victorian Period
 - Italianate
 - Second Empire
 - Queen Anne / Eastlake
- Turn of the Century
 - Beaux Arts
 - Art Deco / Moderne
 - Classical Revival
- Modern
 - Generic storefront commercial
 - “Strip” and “Fast Food” buildings

Although some styles of architecture are more prevalent than others, a strong representation is made by single story commercial buildings. Corner buildings tend to be two stories in height, sometimes with tower or towerlike elements.

Applicability

The Webster Street Design Manual applies to all projects requiring Design Review approval under Section 30-37 (Design Review Regulations) of the Alameda Municipal Code, and which are located in Commercial (C-C) or Manufacturing zoning districts surrounding Webster Street as shown in Appendix A.

To be approved under Design Review, a project must meet the following requirements in Subsection 30-37.5 of the Code:

30-37.5 Requirements.

- a. Projects must be compatible with their site, any adjacent or neighboring buildings or surroundings and promote harmonious transitions in scale and character in areas between different designated land uses.
- b. Projects which do not meet the requirements of paragraph (a) shall be presumed detrimental to either existing property values or the growth of property values in the vicinity of the projects.
- c. The Design Review Staff may determine compliance with paragraph (a) by determining the consistency of the project with the principles and standards of the design review manual.

This Design Manual will be used as the design review manual referred to in Requirement (c).

Objectives

The Webster Street Design Manual is intended to achieve the following objectives:

Primary Objective:

Preserve and enhance Webster Street's historically and architecturally significant buildings and promote new development that relates well to these buildings.

Related Objectives:

- Promote high quality design;
- Protect and enhance historical and other attractive architectural characteristics of Webster Street;
- Use design treatments and solutions that promote pedestrian interest and create a sense of liveliness, activity, and variety that serve as a suitable environment for shopping, meeting, and recreation;
- Ensure that infill projects relate well to neighboring structures;
- Protect existing building stock from insensitive alterations;
- Encourage high quality and easily maintained materials;
- Promote high quality signage that is well integrated into each building's architecture and which minimizes quantity and redundancy of signage;
- Attract new investment and protect the value of existing investments;
- Promote certainty in the development process by clearly communicating the City's design expectations;
- Create a sense of compatibility with existing buildings by requiring that new work enhance existing buildings or relate to the styles of Webster Street's "Thematic Buildings."

In addition, the Design Manual helps to implement the following Alameda General Plan policies:

- 3.3.d New construction, redevelopment and alterations should be compatible with historic resources in the immediate area.

Objectives

- 3.3.e Develop detailed design guidelines to ensure protection of Alameda's historic, neighborhood, and small-town character. Encourage preservation of all buildings, structures, areas and other physical environmental elements having architectural, historic or aesthetic merit, including restoration of such elements where they have been insensitively altered. Include special guidelines for older buildings of existing or potential architectural, historical or aesthetic merit which encourage retention of original architectural elements and restoration of any missing elements. The design guidelines to include detailed design standards for commercial districts.
- 3.3.f Regulate development in neighborhood business districts to maintain a streetwall, with most structures built to the property lines, entrances directly facing the sidewalk, and parking at the rear.
- 3.3.g Encourage off-site and multi-level parking in the Park Street and Webster Street business districts as essential to Main Street character. To maintain pedestrian character and visual interest, avoid locating parking structures at street level on corners and along retail streets.

These areas should be occupied by retail activities and public uses.

- 3.3.h Regulate development in the Park Street and Webster Street business districts to encourage two-and three-story buildings extending to the front and side property lines, with entrances directly facing the sidewalk, and parking at the rear.
- 3.3.j Encourage owners of poorly remodeled but potentially attractive older buildings to restore the exterior of these buildings to their original appearance. Provide lists of altered buildings which present special design opportunities and make the lists widely available. Develop financial and design assistance programs to promote such restoration.
- 3.3.k Require that any exterior changes to existing buildings receiving City rehabilitation assistance or related to Use Permits, Variances or Design Review, or other discretionary City approvals be consistent with the building's existing or original architectural design unless the City determines either (a) that the building has insufficient existing or original design merit of historical interest to justify application of this policy or (b) that application of this policy would cause undue economic or operational hardship to the applicant, owner or tenant.

Definitions

Bulkhead	A low wall beneath a storefront window.
Column	A freestanding vertical element, often structural.
Cornice	A decorative projection running horizontally at the top of an exterior wall.
Filigree	An intricate, delicate, or fanciful ornamentation.
Gable	A triangular upper portion of a wall, at the end of a pitched roof.
Historic Context	An organizing structure that groups properties that share a common theme, geographical area, and time period. A historic context should frame decisions about the identification, evaluation, registration, and treatment of historic properties.
Lintel	The horizontal structural member above a door or window that supports the wall above the opening.
Mansard	A steeply sloped roof that encloses the upper storey of a building.
Parapet	A wall along the edge of a roof that extends above the level of the roof, usually an extension of the exterior wall below.
Pediment	A low pitched gable element above a portico or entrance.
Pilaster	A projecting vertical element similar to a column but firmly attached to the face of a wall.
Rehabilitation	The act or process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions or features of the property that are significant to its historical, architectural, and cultural values.
Storefront	An assembly of large windows and/or doors along the street front of the ground floor of a building intended to display goods or services or adjacent room within the building.
Streetwall	The vertical linear plane created by the facades of buildings within a city block or adjacent city blocks.
Thematic Building	A building that is a City of Alameda Historical Monument or on the City's Historical Building Study List. These buildings typically feature late 19th and early 20th Century architectural styles. The Historical Building Study List is developed and maintained by the Historical Advisory Board.
Transom Window	A small window or group of small windows over a large window or door, historically used for ventilation.
Wainscot	Decorative paneling usually applied to the lower 2 to 4 feet of a wall.

1.0 Building Massing and Proportions

Traditional downtown streetscapes are characterized by a continuous street wall that creates a sense of enclosure and consistency in the scale and proportion of the individual building facades resulting in a sense of unity.

Streetwall

(See Alameda General Plan policy 3.3.f)

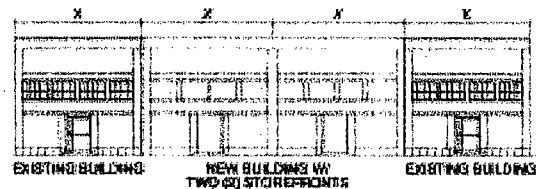
- 1.1 Maintain continuous streetwall - avoid separations between structures.
- 1.2 Do not setback unless for important street-oriented activities such as,
 - Areas of intense outdoor activity (e.g. sidewalk cafes)
 - Entrances to alley ways, pedestrian thoroughfares, and important pedestrian entrances to buildings.



Guideline 1.2: **Encouraged** - Streetwall can be set back for important street oriented activities such as sidewalk cafes.

Building Width

- 1.3 Building widths shall reflect traditional lot sizes. Emphasize narrower, individual lot widths on facades if the building is located on assembled lots
- 1.4 Break up facades into smaller sections by design elements to mitigate the impact of a wide buildings. Use vertical articulation of architectural elements to reference narrow adjacent building widths.



Guideline 1.4: **Encouraged** - Newer building is divided into multiple “bays” to relate to neighboring buildings.

Building Height

- 1.5 Limit building height to two or three stories. (40 foot maximum per City of Alameda Zoning Ordinance). Use taller (two and three story) buildings to anchor corners and lower (one and two story) buildings mid-block.

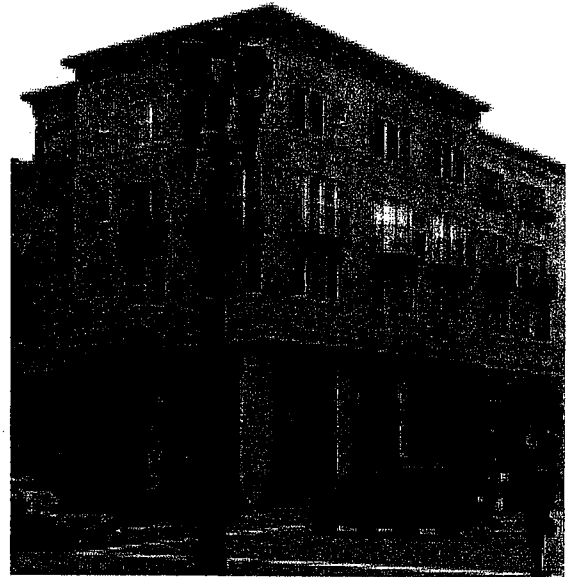
Building Massing and Proportions

Facade Composition

- 1.6 For multi-story buildings, differentiate the ground floor architecturally from the upper floors to create a visual base for the building.
- 1.7 Distinguish ground floors from upper floors by using such architectural elements as:
- Belt cornice or entablature.
 - Large storefront display windows on ground floors; smaller “punch-out” windows on upper floors.
 - Change in materials.
- 1.8 Emphasize verticality by using vertical windows on upper stories.



Guidelines 1.7 and 1.8: **Encouraged** - “Punch-out” vertical windows on upper floors.



Guidelines 1.6 and 1.7: **Encouraged** - Belt cornices, large ground floor windows vs. smaller upper floor windows, and changes in materials differentiate ground floors from upper floors.



Guideline 1.9: **Encouraged** - At street corners, provide upper floor wrap-around windows, turrets and corner entries.

Articulate Corner Locations

- 1.9 On corner sites, provide prominent corner entrances, wrap-around windows, turrets, and other distinctive elements to emphasize the location and provide visual interest.

2.0 Roof and Cornice Lines

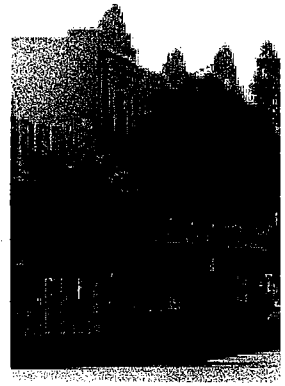
Roof edges are key components of the building facade. Richly detailed cornices typically embellish roof edges on older, historic buildings.

- 2.1 Where roofs are visible from the street, use traditional roofing materials such as shingles, tiles, slate, or standing-seam metal. Select materials consistent with the building's architectural style, such as tile roofing on Mediterranean style buildings.

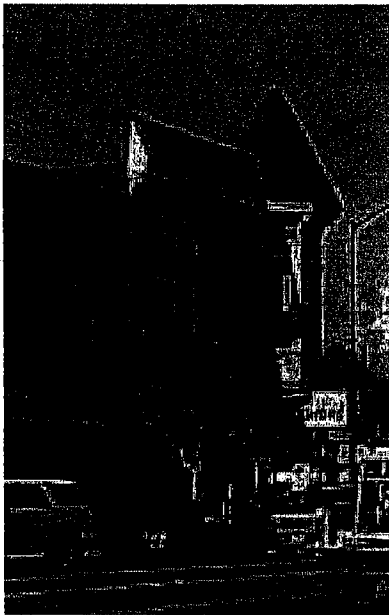


Guideline 2.1: Tile roof on a Mediterranean building

- 2.2 Place a parapet in front of flat roofs.



Guideline 2.2: **Encouraged** - Use parapets to conceal flat roofs.



Guidelines 2.3 and 2.4: Pent roof above cornice.

- 2.3 Use sloped roofs only where appropriate, such as a pent (shed) roof above a cornice, or on towers, turrets, and other free-standing elements.
- 2.4 Use cornices or similar moldings at the tops of building facades to clearly articulate the top of the building.
- 2.5 Minimize the visibility of rooftop equipment by grouping all plumbing vents, ducts and rooftop mechanical equipment away from the public view.

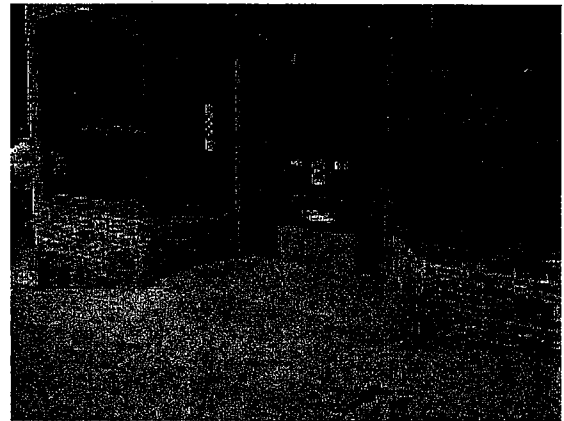
3.0 Surface Materials

A variety of building materials is essential to the diversity of the individual buildings which make up the street facade. Recognizing the materials used in the historical development of Webster Street is also integral in defining the character of the area. The materials employed, the quality of the finish material, their application, as well as the quantity, all determine the material's compatibility.

- 3.1
 - a. Use high-quality, durable materials that are easily maintained. Use traditional facade materials like smooth stucco, pressed brick, glazed tile, wood, terra cotta, and stone to provide a sense of continuity with the rest of Webster Street.
 - b. Avoid synthetic-looking materials such as vinyl (plastic) or textured hardboard siding, or overly rustic materials such as rough sawn wood and rough stone.
 - c. Also avoid aluminum and other metals. These materials seldom blend with traditional architecture and frequently are found in corroded condition on older buildings.
- 3.2 Limit surface materials, textures, and colors to a selection of 2-3 (excluding windows, awning, and canopies.) Select surface materials, textures, etc., that are compatible with each other and with the building overall.



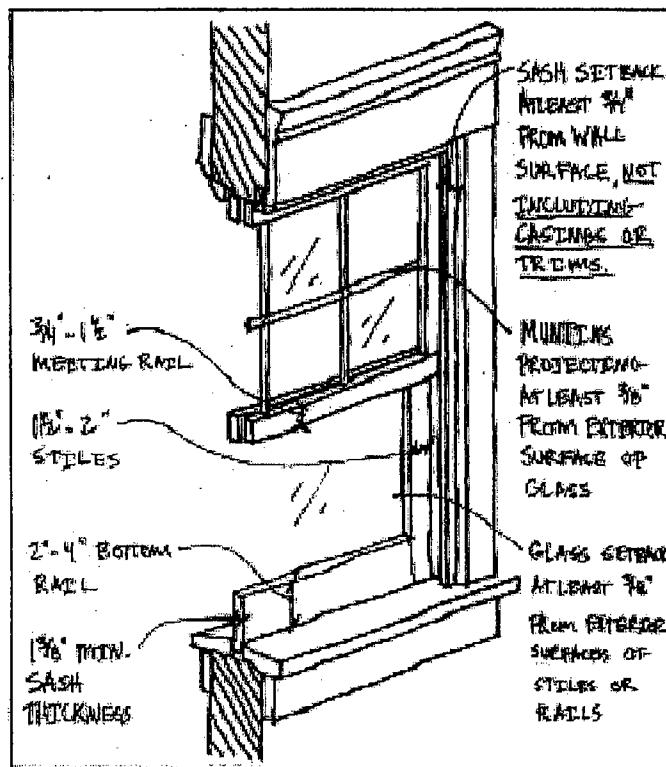
Guideline 3.1a: **Encouraged** - Use high quality materials like architectural terra cotta (above) or pressed brick.



Guideline 3.1b: **Discouraged** - Avoid overly rustic materials like veneer rough stone (at left).

Surface Materials

- 3.3 Clean and properly tuck-point brick walls. Clean masonry structures with nondestructive methods to maintain the integrity of the brick or stone surface. Do not sandblast masonry or other materials. Refer to National Parks Service website at www2.cr.nps.gov/tps/tax/rhb/stand.htm for further discussion regarding non-destructive cleaning methods.



Guideline 3.4: **Encouraged** - Typical dimensions for wood window on upper floors.

- 3.4 On upper floors, either use recessed wood windows or recessed metal or vinyl windows (or other window materials) with a wood-like quality with substantial looking smooth surfaced (not molded) stiles and rails and glazing recessed at least 3/8 inches. Muntins or grids, if used, should project at least 3/8 inches from the glazing surface. Do not use horizontal sliders.

4.0 Integrating New Buildings with Neighboring Buildings

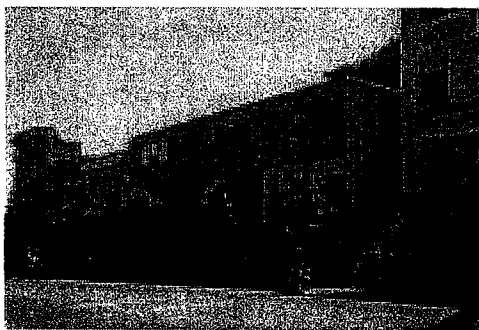
Webster Street still retains many of its distinctive late nineteenth and early twentieth century buildings. These “thematic buildings” give much of Webster Street, especially the section south of Lincoln Avenue, the image of a traditional business district with a strong sense of time and place. The architectural styles of these buildings include: Victorian, Beaux Arts Classicism, Mediterranean, and Early 20th Century Commercial.

The Webster Street Design Manual seeks to enhance this traditional image. New buildings and major remodelings of existing buildings must be compatible with Webster Street’s thematic buildings and incorporate their major design characteristics.

- 4.1 a. In order to best fit in with the character of the Webster Street District, look to the proportions, massing, rhythm and materials of the District’s thematic buildings, while not necessarily mimicking historical architecture.
- b. Also incorporate important compositional elements, such as cornices, belt courses and/or changes in materials, found on these thematic buildings which help give focus to the design. These elements can be treated in simplified form without the level of detail often found on the originals.
- c. *Note: Attempts to imitate historic buildings in a literalistic manner are often unsatisfactory. To be successful, the designer must have a thorough knowledge and understanding of these buildings’ architectural vocabulary.*



Guideline 4.1a: Encouraged - For new buildings, maintain the proportions, overall façade composition, rhythm and materials of the district’s existing thematic building.



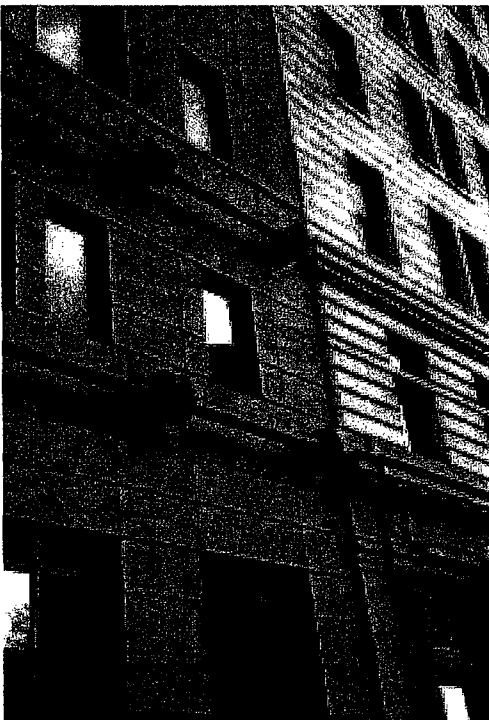
Guideline 4.1a: Discouraged - Avoid infill buildings that do not maintain the proportions, composition, rhythm and materials of the existing thematic buildings.



Guideline 4.1c: Discouraged - Attempts to imitate historic buildings are often overly elaborate, ignore important proportions or compositional features, or are otherwise unsuccessful.

Integrating New Buildings with Neighboring Buildings

- 4.2 Carry through the horizontal lines from neighboring buildings in cornices, tops and bottoms of windows, storefronts and other horizontal elements. Also maintain the rhythm established by vertical elements such as the width of storefronts and the width and placement of upper floor windows.



Guideline 4.2: **Encouraged** - Continue the horizontal lines and vertical rhythm of existing neighboring buildings.

- 4.3 Do not mix architectural styles on the same building.

- 4.4 Do not design buildings or storefronts in “corporate” or “franchise” styles, where chain store business uses a particular building type, style or combination of architectural elements that is intended to be synonymous with that business.

These businesses must adapt their building designs to the traditional character of Webster Street.



Guideline 4.4: **Discouraged** - Do not design buildings or storefronts in “corporate” or “franchise” styles.

5.0 Additions and Alterations

The following guidelines are based on City of Alameda General Plan Policy 3.3.K.

5.1 Preserve Distinctive Architectural Characteristics

- a. Preserve distinctive architectural features, finishes, construction techniques or examples of craftsmanship.
- b. Repair rather than replace these elements whenever possible.
- c. If severity of deterioration requires replacement of distinctive features, match the new feature with the old in design, color, texture and other visual qualities and, where possible, materials.
- d. Do not cover or remove architecturally significant materials or detailing.

This guideline is derived from the Secretary of the Interior's Standards for Rehabilitation. (See Appendix B.)

Note that the State Historical Building Code may allow for the preservation of distinctive features that may otherwise require removal to meet current building code requirements.

Buildings must be qualifying buildings as defined by the State Historical Building Code. In Alameda, these are City of Alameda Historical Monuments and buildings on the Historical Building Study List.

Additions and Alterations

5.2 Changes not Involving Distinctive Architectural Features: *Consistent with the Building's Architecture and at Least Equal in Quality to the Features Being Changed.*

Ensure that changes not involving distinctive architectural features (and therefore not subject to Guideline 5.1 above) are *at least equal in quality to any features being replaced and consistent with the building's architecture.*

- a. "*Equal in Quality*" applies to all elements of the building's existing design, including: composition, configuration, proportions, pattern of window and door openings, materials, detailing and craftsmanship. Changes to any of these design elements should at least *equal the quality* of the existing elements.

For example, materials can be ranked in order of quality in terms of durability, craftsmanship, cost and aesthetics (highest to lowest):

- polished stone slabs (marble, granite, etc.)
- architectural terra cotta,
- stone or ceramic tile,
- pressed brick or face brick,
- surfaced or finished (including molded) wood
- stucco,
- unsurfaced (rough) wood

Replacing architectural terra cotta with stucco would therefore not be *equal in quality*.

Other changes that would normally not be considered *equal in quality* include reducing the proportion of glazing to solid wall surfaces or reducing or eliminating entry vestibules.

- b. "*Consistent with the Building's Architecture*" means a design approach that is typical of the building's type, style or period either as used on the building itself or on another building of the same type, style or period. The consistency guideline applies to the same design elements listed above for "equal in quality".

Exception: The consistency guideline does not apply to:

- (i) *buildings with insufficient design merit of historical interest to justify application of this guideline; such buildings may be totally remodeled as long as the remodeling conforms with this Design Manual; however the guideline does apply to all buildings which are City of Alameda Historical Monuments or on the City's Historical Building Study List or are eligible for the California Register of Historical Resources;*

or

- (ii) *restoration of previously altered buildings (see Guideline 5.3 below) where the alterations have insufficient design merit to justify application of this guideline.*

Additions and Alterations

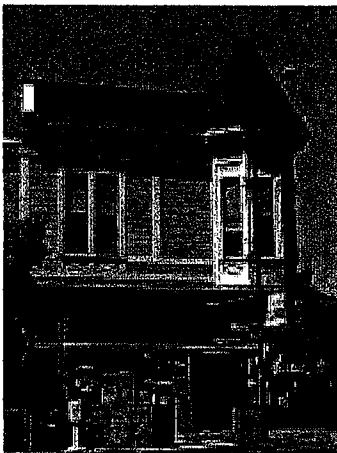
5.3 *Previously Altered Buildings*

If a building has previously been covered with substitute siding, had its windows replaced, had ornamentation removed, or experienced other adverse alterations, the building's appearance can often be improved, sometimes with relatively little effort.

Webster Street has many buildings and storefronts that have been insensitively altered over the years. Many of these altered buildings were once very attractive. In some cases, reversing the alterations can be relatively simple, such as in the case of the turreted two storey Victorian building at the southwest corner of Webster Street and Taylor Avenue which had been covered with asbestos shingles. The shingles were removed in the late 1980s, revealing the original redwood siding, which was then given an attractive paint scheme.

Several options are available for improving the appearance of insensitively altered buildings:

Option A: Restoration. Restoring an insensitively altered building to its original appearance is highly encouraged. The restoration can be based on old photographs of the building, silhouettes or "shadows" of removed trim pieces visible on the original siding or design treatments found on other buildings having the same architectural style. An extensive collection of old photographs is available at the Alameda Historical Museum along with information on the architects and designers of many older Alameda buildings.



Guideline 5.3: (at left) Probst Building at southwest corner of Webster Street and Taylor Avenue. Façade restored in 1989.

Guideline 5.3, option A (complete restoration): Leiment Block, 458-466 8th Street in Oakland. Italianate Victorian built 1873-74 (top), poorly remodeled in 1950s (middle) and accurately restored in 1980s (bottom) based on the top photograph and surviving architectural fragments.



Additions and Alterations

Option B: Simplified Restoration. If the original design is not known or if a detailed restoration for the original design or other “period” design consistent with the original or historic appearance is not desired, a restoration may be limited to just a general outline of a historically typical design.

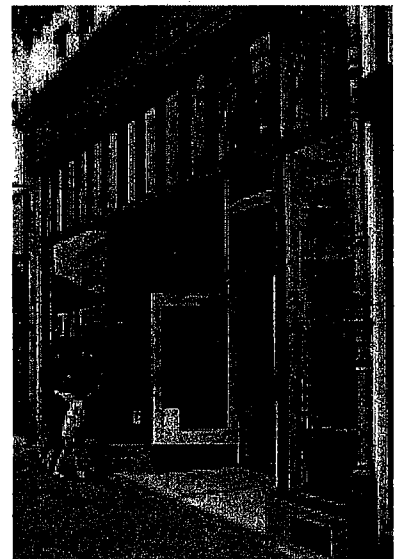
The outline would include larger scale design elements such as form and massing, composition, proportions, pattern and types of door and window openings and visual quality of surface materials (without necessarily using actual historic materials) and conform with the new construction provisions of this Design Manual. The outline restoration would not involve smaller scale elements such as ornamentation or exact configuration of doors and windows or detailing.

This approach is sometimes called “contemporary compatible” and is permitted in concept under the Secretary of the Interior’s Standards for Rehabilitation.

Option C: Design Mitigations. If restoration of the building is not desired or if the original design is not known, further alteration should at least bring the building into closer conformity with its original or historic appearance and involve no further damage to surviving architecturally important elements.

Exception: Alterations with Design Merit Sometimes a building has been altered so thoroughly and competently that the resulting design is very attractive and the alteration itself has architectural significance. In these cases, it is quite appropriate for any future alterations to strive for consistency with the altered design rather than the original design, although restoration of the original design may also be a good option. In such a case the Design Manual allows the choice of alterations consistent with the altered design or restoration of the original or historic design.

Guideline 5.3, Option B
(simplified restoration):
Modern storefront that incorporates the essential elements of a traditional storefront, including large display windows, recessed entry and transom windows.



Additions and Alterations

5.4 Additions

Additions may either match the existing building or be differentiated from the existing building as set forth in the Secretary of the Interior's Standards for Rehabilitation. If the addition is differentiated, it may either resemble the existing building in outline form, (see Guideline 5.3 Option B above,) or be designed to look like a separate building. In all cases, the addition must conform with the new construction provisions of these guidelines.

If the existing building does not conform with the guidelines, differentiate the addition so that the addition does conform.

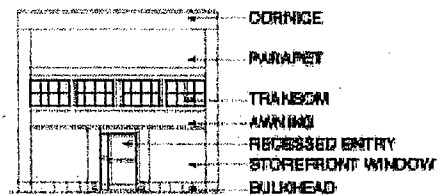


Guideline 5.4: Encouraged - The building in the left is a modern addition to the early 1900s building on the right. The new building uses a contemporary design and is clearly differentiated from the old building, but maintains the old building's horizontal alignments and façade rhythms.

6.0 Storefronts

A high quality, pedestrian scale and walkable area are overall objectives for the Webster Street district. Site and building design should create inviting entrances and display windows to establish and maintain pedestrian interest. Design new storefronts to include traditional storefronts with bulkheads, transom windows and recessed entries.

- 6.1 Avoid solid, blank walls and other "dead" or dull spaces at the street level.
- 6.2 Orient outdoor seating and dining areas to face the sidewalk/street.
- 6.3 Avoid storefronts that are inconsistent with other storefronts in the same building.



TYPICAL STOREFRONT

Encouraged- Typical storefront elements



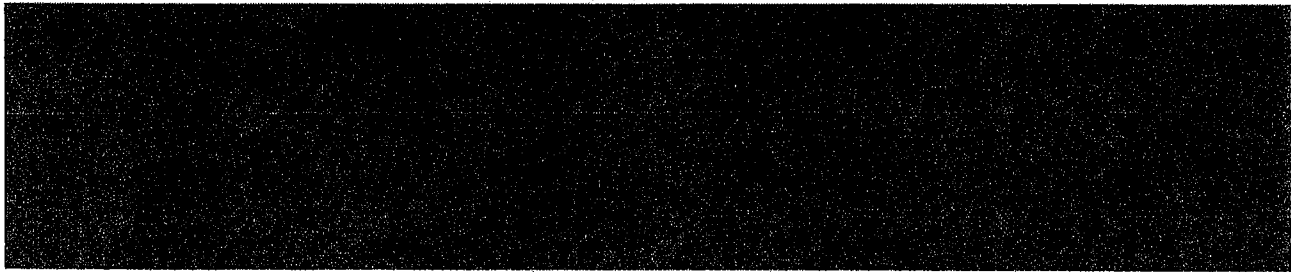
Guideline 6.1 **Discouraged** - Avoid solid blank walls at street level.



Guideline 6.3 **Discouraged** - This building features storefronts that are inconsistent within the building.

Entry

- 6.3 Provide at least one clearly defined primary public entrance from Webster Street in the building frontage.

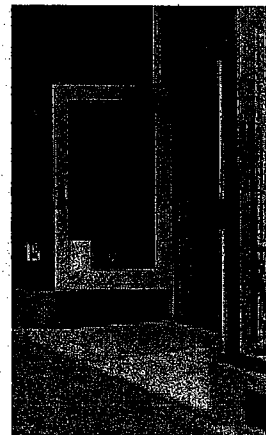
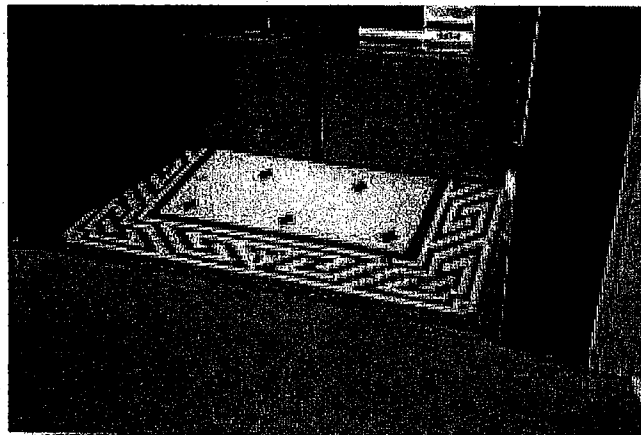


Guideline 6.4a: **Encouraged** - Recessed entry vestibule.

Guideline 6.4b: (right) **Encouraged** -Special pavement on entry vestibule flows.

Guideline 6.5: (far right) **Encouraged** - This entry door displays a large amount of glazing.

- 6.4 Provide high-interest and high-quality recessed entry vestibules. Such recesses provide protection from the elements and reinforce pedestrian visual interest.
 - (a) Recess entry doors at least 2 feet but not more than 5 feet from the facade.
 - (b) Pave vestibule floors with tile, stone or similar hard surface, high quality materials to set the area apart from the sidewalk and provide pedestrian interest.
- 6.5 Use extensive glazing for main entry doors.



Windows

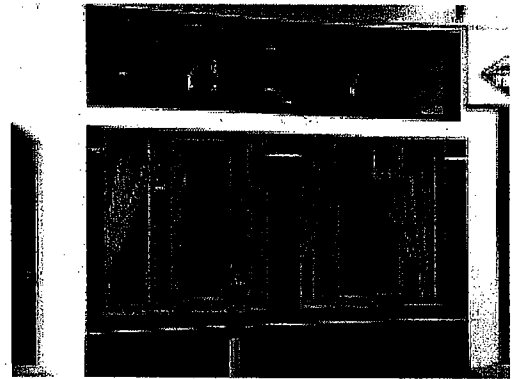
- 6.6 Provide large storefront windows on all facades facing Webster Street. Sidewalk level windows allow visual access to interiors and encourage activity on the street.
- 6.7 Do not use reflective film or a coating on windows. Do not use tinted display window glass, which impedes visual access to the building interior.

Storefronts



Guideline 6.8: **Encouraged**- Large display windows help maintain pedestrian interest.

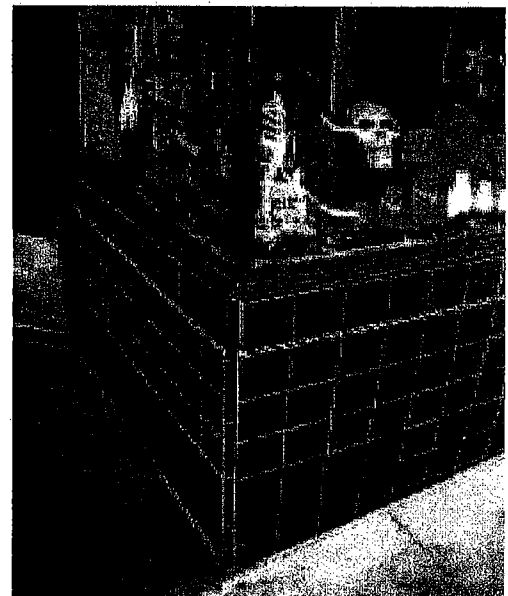
- 6.9 When using openable storefront windows, select windows which are compatible with the overall façade and style of the building. Sliders, folding, casement, and awning windows are acceptable openable window types.

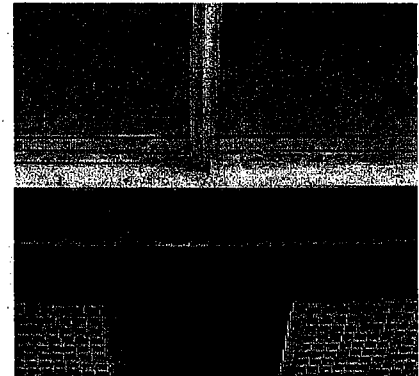
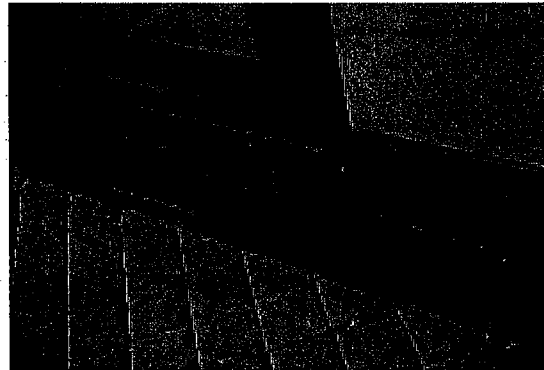
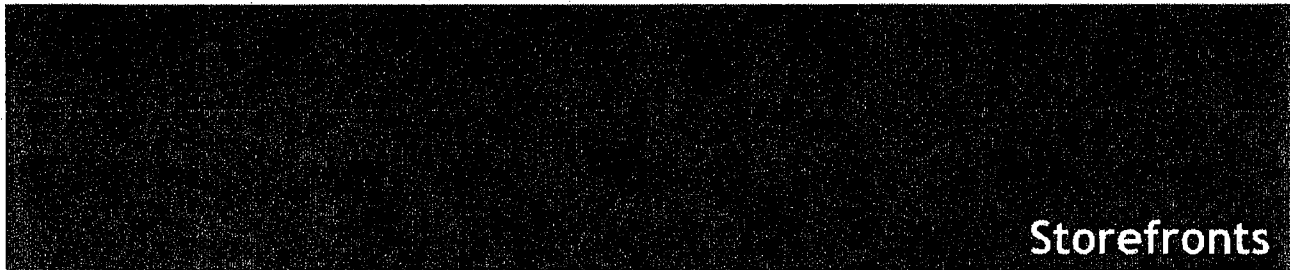


- 6.10 Retain and repair historic storefronts. Replacement storefronts shall be similar to historic storefronts. Older storefronts typically have slim profile storefront window frame sections set in the face of the bulkhead.

Guideline 6.9 (top right): **Encouraged** - This storefront contains sliding windows.

Guideline 6.10 (right): Slim profile window frame on older storefront.





6.11 For tile, stone or brick bulkheads, either:

- a. set the storefront windows at or near the face of the bulkhead; or
- b. incorporate the bulkhead material into the sill detailing.

Guideline 6.11 a (top left):

Encouraged - Window set at face of bulkhead.

Guideline 6.11 b (top right):

Encouraged - Window set back and bulkhead material used on sill.



Guideline 6.12: Restored Victorian storefront with wood bulkhead and wood sill.

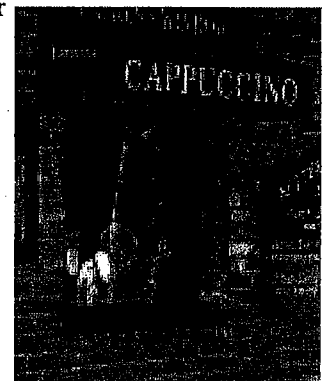
6.12 Provide projecting wood sill detailing for wood storefront frames, and for wood bulkheads.

6.13 Transom windows are typical features of historic storefronts, which allow valuable daylight into the building interior. Do not cover existing transom windows. Restore such windows if they have been previously covered or removed.

6.14 Do not use residential style windows (such as those with nailing fins) as the storefront system. It is acceptable to install mulled wood units (where jambs are joined) to avoid short vertical segments of wall between window. Do not use vinyl windows on the lower floor.

Guideline 6.14: **Discouraged**

- Residential style windows are not appropriate windows for storefront systems.



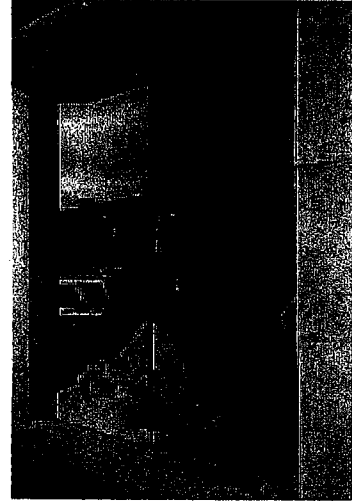
Bulkheads

Guideline 6.15: **Allowed** - This storefront does not have a bulkhead; the window terminates at the sidewalk grade.

6.15 Maintain the height of any existing bulkheads below the storefront window. Bulkheads should normally be less than 24" high, unless restoring a historic configuration. Bulkheads can occasionally be omitted in cases where the storefront window extends down to sidewalk grade. Do not set the window sill directly on grade.

6.16 Select bulkhead materials that are compatible with the materials of the overall façade and style of the building.

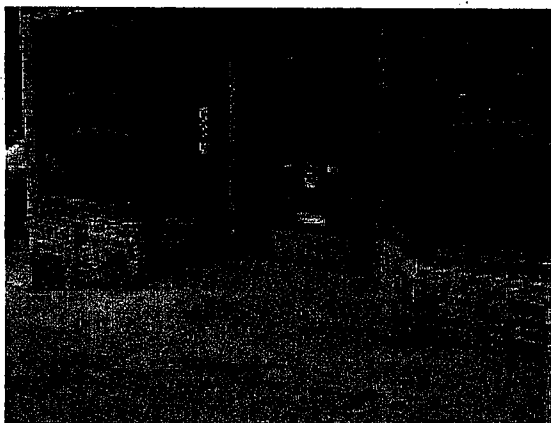
6.17 Select high quality, durable, smooth-surfaced materials for bulkheads with a high level of pedestrian interest, such as glazed tile, stone, marble, wood panels and pressed brick.



Guideline 6.17: This storefront features pressed brick.

6.18 Do not use informal or rustic materials such as rough-sawn wood, rough stone or common brick. Do not use recessed metal panels or synthetic materials such as vinyl or cultured stone.

6.19 Stucco is usually discouraged as a bulkhead material. In limited cases where the overall façade and style of building displays stucco, its use as a bulkhead material may be appropriate.



Guideline 6.18a (left): **Discouraged** - Avoid informal or rustic materials like rough stone or common brick.

Guideline 6.18b (right): **Discouraged** - Recessed metal panels used as bulkhead.



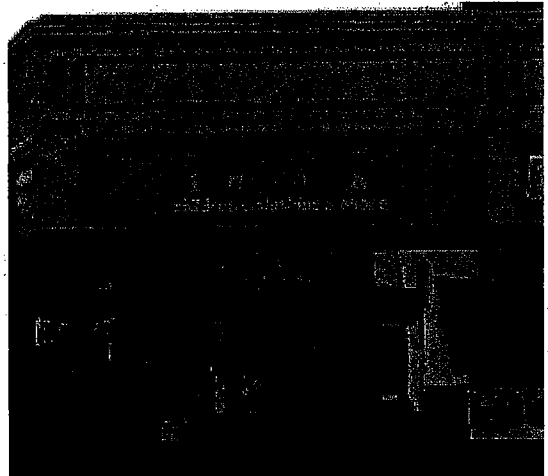
7.0 Signage

Signage is a vitally important part of the streetscape. Its impact should be recognized at every stage of the design process, not as an afterthought at the completion of a project.

General Sign Guidelines

Special Note: The following are "guidelines" and are not intended to supercede the Alameda Zoning Ordinance. All signs must comply with the Alameda Zoning Ordinance, or the most restrictive code. This Design Manual will be updated to conform with the soon-to-be adopted revised Sign Ordinance.

- 7.1 Signs should not obscure other building elements such as windows, cornices or architectural details.
- 7.2 The size and the lettering of signs, canopies, or awnings should be in scale and proportional to the space in which they are located. Also consider the size of signs and lettering on neighboring buildings.
- 7.3 Integrate sign location into the overall design of the building. Signage should be understated, and should convey the primary use, primary tenant, or the name of the building.

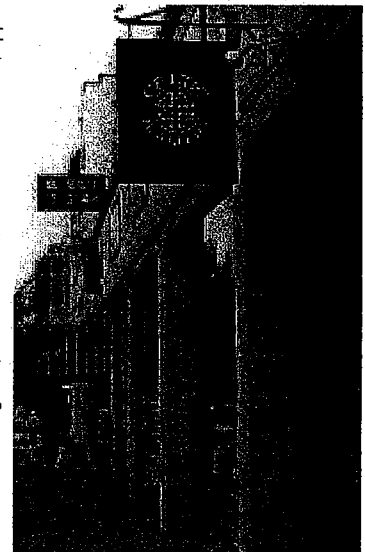


Sign Types and Illumination

- 7.4 Signs which are integrated into the the facade above transoms or awnings are encouraged.
- 7.5 Tubular neon may be appropriate for a building on Webster Street, but its use should be limited.



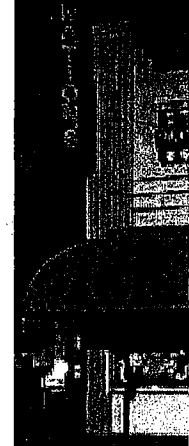
- 7.6 Blade signs, those that project perpendicular to the building face, are encouraged. Locate blade signage near the entrance.
- 7.7 Internally illuminated signs - those with a light source contained within the sign - are prohibited.
- 7.8 Externally illuminated signs - those with a direct spotlight or halo light, are encouraged. Individual letters placed on a sign frieze, or wood background, that are externally illuminated are allowed.



- 7.9 Do not use box or cabinet signs.
- 7.10 Signage on awnings should be limited to the valance.

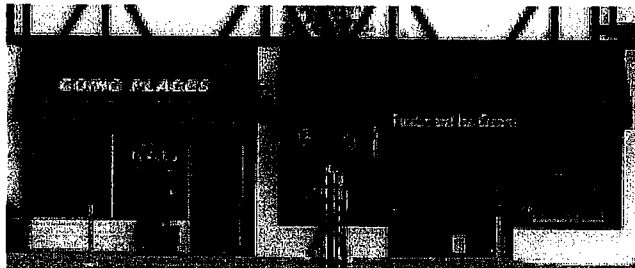
Sign Lettering at Buildings and Awnings and Canopies

- 7.11 A lettering style should be chosen that is refined and reflects the character of the business or the building. Large, plain, boldface type should be avoided.
- 7.12 Signs with too much information can appear cluttered. Limit sign wording to just the business name and logo.



Signs in Windows

- 7.13 Permanent window signs should not exceed 25% of the window area in which the sign is located. Temporary window signs are not allowed as per the City of Alameda Zoning Ordinance.

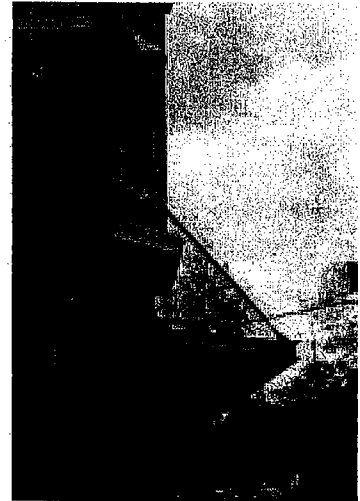


8.0 Awnings and Canopies

Awnings above storefronts promote a sense of pedestrian scale and provide protection from the weather. Awnings also help articulate individual business storefronts and provide visual relief from a flat building façade, especially on a multi-story building.

Materials

- 8.1
 - a) Use non-glossy materials, such as fabric, metal-framed glass, and painted or patinated sheet metal. Galvanized sheet metal is discouraged.
 - b) Do not use corrugated sheet metal or frequently-seamed metals.
- 8.2 Select fire and fade resistant awning fabric.
- 8.3 Use awning materials compatible with the overall façade and building styling. Do not use materials such as vinyl, plastic, or other polymer products.



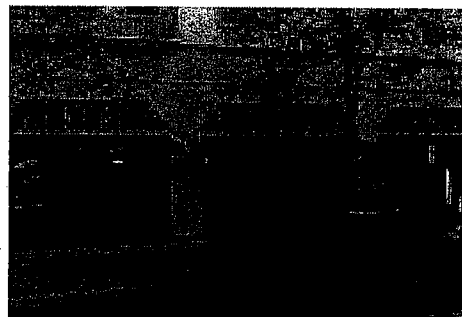
Guideline 8.1: **Encouraged** - Metal-framed glass awning.

Size and Positioning

- 8.4 Relate awning shapes and placement to others on the building and in the same side of the street in the same block.
 - a) Use the same awning alignment and shape on the same level of any single building if consistent with other guidelines.
 - b) Mount awnings so that their lower edge will relate to those of adjacent buildings.
- 8.5 Do not cover transom windows or architectural detailing with awnings.
- 8.6 Place awnings over individual display windows between prominent vertical elements such as pilasters or columns. Do not use continuous awnings across the entire building frontage.



Guideline 8.5: **Discouraged**- Avoid awnings that cover pilasters and columns.



Guideline 8.6: **Encouraged**- Place awnings over individual display windows and between pilasters and columns.

Awnings and Canopies

- 8.7 Design awnings to conform to the Building and Fire Codes.
- a) Do not extend awnings more than seven feet from the face of the building, nor closer than two feet to the curb, nor more than two-thirds of the distance from the property line to the curb face.
 - b) Provide eight feet minimum vertical clearance over the sidewalk for framed or rigid portion of awning, and seven feet minimum vertical clearance for any unframed valance.

Style

- 8.8
- a) Slanted awnings are preferable to flat or curved awnings.
 - b) However, domed awnings may be used over arched windows.
 - c) Valances are attractive additions to slanted awnings.

- 8.9 Do not internally illuminate awnings.

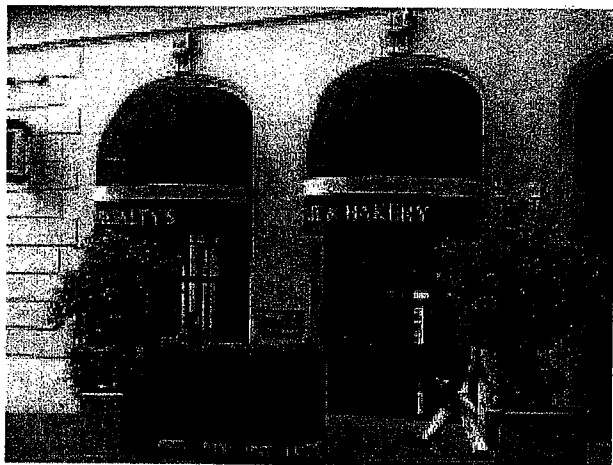


Guideline 8.8 a: **Encouraged** - Traditional slanted awnings are preferred.

- 8.10 Retractable awnings are encouraged.

- 8.11 Remove mansard-styled awnings, especially if they have been added to a historic storefront and are covering significant architectural elements.

- 8.12 Limit awning signage to the valance. Awning signage is included in the total sign area allowed by the Alameda Sign Ordinance.



Guideline 8.8 b: **Allowed** - Domed awning(s) over arched window(s).

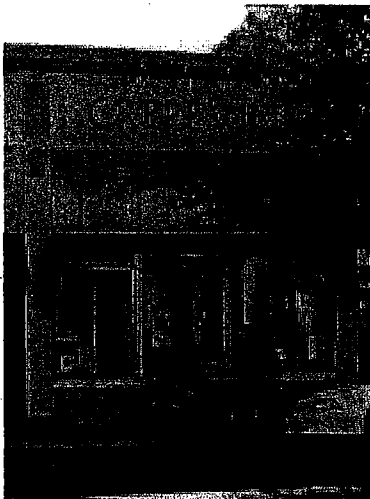
9.0 Colors

The selection of colors is intended to unify the facade of a building while harmonizing it with its neighbors.

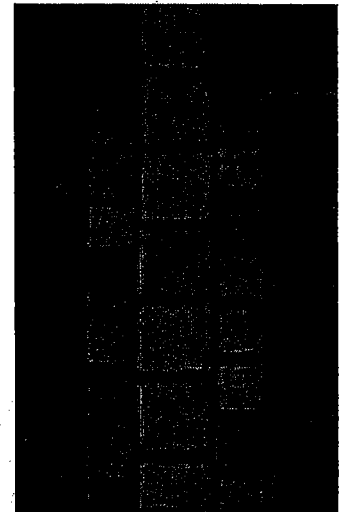
Note: Design Review is not required for changing colors of existing buildings. This information in this section is for reference purpose only.

General Color Guidelines

- 9.1 Building color(s) should be compatible with the neighborhood and should reinforce the visual character of the building. Avoid using excessively strong color selections that attract inordinate attention to the building.



- 9.2 Avoid using too many colors on the facade, particularly details. Allow light and shadow to highlight details. Usually 2-3 colors are sufficient.
- 9.3 Do not paint materials such as brick, tile, terra cotta, etc, which look best in their natural state.
- 9.4 Avoid color distortion and glare caused by fluorescent lighting by installing incandescent or halogen lighting in its place.
- 9.5 Faux finishes and trompe l'oeil effects are allowed as long as they relate to the architecture of the building and are well executed.



Guideline 9.2: **Encouraged** - The color range in this tiling detail is varied but not excessively so.



Color Placement

- 9.6 Generally, it is best to use lighter colors on projecting elements and darker colors on recessed elements. Select accent colors to define key architectural elements such as ornamental details.
- 9.7 If wall planes are to be painted, use one color to establish continuity of wall surfaces. Do not paint individual business storefronts within the same building different colors.

Guideline 9.3: **Encouraged** - Unpainted tile bulkhead.

Selecting Colors

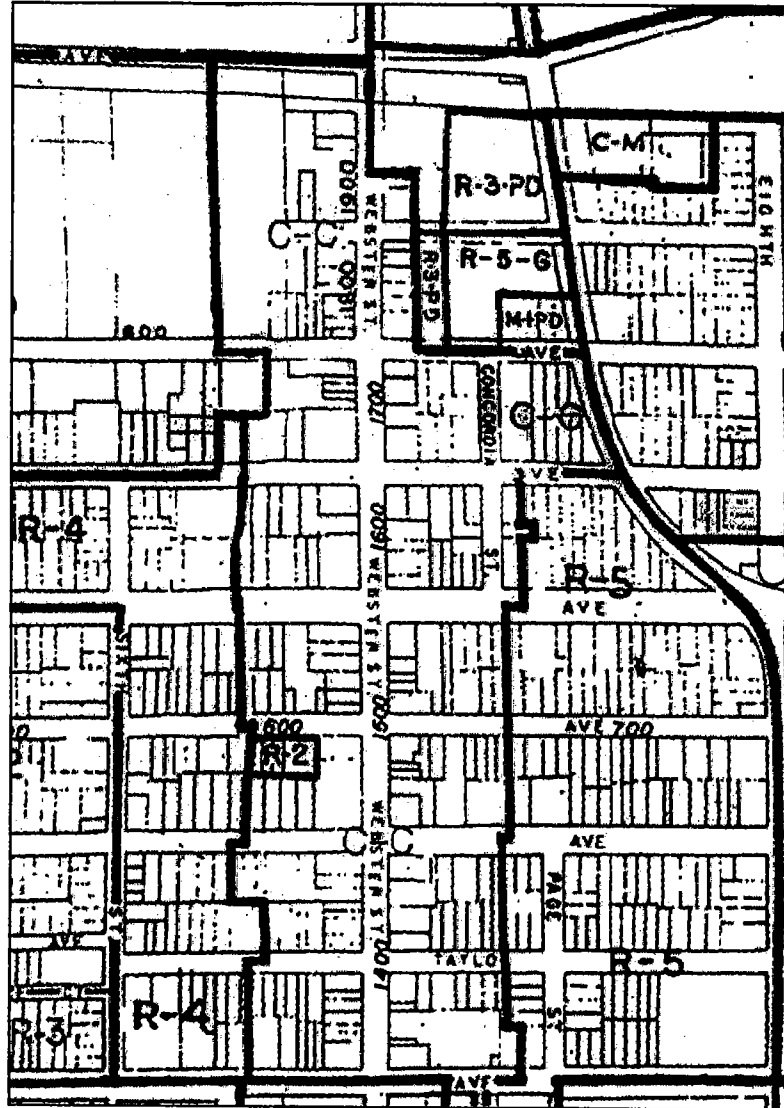
- 9.8 Select colors for the building typical of the architectural style and period of the building.
- 9.9 Select colors derived from pure hues (colors) as seen in a traditional color wheel. Avoid vivid hues (chromatic colors) in favor of toned hues. Toned hues are derived by adding achromatic hues to chromatic hues. Chromatic hues consist of the following:
- a) Primary colors are vivid red, vivid yellow and vivid blue.
 - b) Secondary colors vivid orange, vivid green and vivid purple.
 - c) Tertiary colors are vivid yellow-orange, vivid red-orange, vivid-red-purple, vivid-blue-purple, vivid blue-green, and vivid yellow-green.
- Achromatic hues consist of the following:
White, gray and black.
- 9.10 a) Consider using toned tertiary colors for the building body color.
- b) Consider using toned secondary and toned primary colors for architectural detail and accent elements.
- c) Avoid color schemes limited to primary or vivid colors.
- 9.11 Avoid combinations of warm and cool colors (e.g. orange and blue).
- 9.12 Limit use of gold or silver (metallic) accenting.

Helpful Hints

- 9.13 Common paint removal methods are:
- Remove paint with gentlest means possible.
 - Chemicals should be compatible with materials.
 - Avoid sandblasting and abrasive methods - Do not sandblast brick.

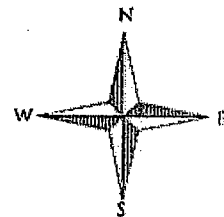
Consult the National Parks Service website at www2.cr.nps.gov/tps/tax/rhb/stand.htm. for more discussion of appropriate paint removal techniques specific to materials.

Appendix A: Map of Webster Street



Map of Webster Street Commercial Zoning District

Scale: No Scale



Appendix B: Secretary of the Interior's Standards for Rehabilitation

These standards are utilized by many jurisdictions to meet an appropriate minimum level of treatment when undertaking a maintenance or construction project on an historic building. Specific sections of the Standards for Rehabilitation are quoted below:

The Secretary of Interior's Standards for Rehabilitation are:

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, and pictorial evidence.

Secretary of the Interior's Standards for Rehabilitation

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.¹

As defined "Rehabilitation" assumes that some repair or alteration of the historic building will need to take place in order to provide for an efficient contemporary use; however these repairs and alterations must not damage or destroy the materials and features or their finishes that are important in defining the building's historic character.

¹ U.S. Department of Interior, National Park Service. *The Secretary of the Interior's Standards for the Treatment of Historic Properties*. Washington, D.C.: U.S Government Printing Office, 1995, 62.

Appendix C: List of Webster Street Buildings on Alameda's Historical Building Study List

[Note: the following explanatory text and list of Webster Street buildings is taken from the City of Alameda website. The most up to date content can be found at <http://www.ci.alameda.ca.us/historical/buildings.html>.]

Evaluation Criteria

The criteria used in evaluation were designed to fit the needs and particular circumstances of this project. They are based on a combination of the criteria for listing in the National Register of Historic Places, for inclusion in the State Historic Resources Inventory, and for designation as an Alameda Historical Monument. These criteria can be divided into the broad categories of architectural significance, historical significance, environmental significance, and design integrity.

Architectural Significance has to do with the style of a historic resource, the reputation and ability of the architect, the quality of the design, its uniqueness and its execution, and the materials and methods of construction.

Historical Significance comes from an association with the lives of persons or important events which have made a significant contribution to the community, state or nation; or from an association with broad patterns of cultural, social, political, economic, or industrial history; or the urban development of Alameda.

Environmental Significance has to do with the continuity or character of a street or neighborhood with a historical resource's setting on the block, its landscaping, and its visual prominence as a landmark or symbol of the city, neighborhood, or street.

Design Integrity has to do with alterations which have been made over time to the original materials and design features of the resource.

Evaluation Procedure

The evaluators viewed each of the 10,500 buildings and sites, and decided, based upon the evaluation criteria, whether it was significant enough to be considered for preservation. If so, the address or description is included in the Historical Building Study List. In addition, the evaluators made a judgement of the quality of each historic resource, and of whether it should be considered for preservation individually or as a part of a grouping or neighborhood.

List of Webster Street Buildings on Alameda's Historical Building Study List

Use of the List

From a regulatory perspective, the List is significant for two reasons:

1. The Historical Building Code applies to all properties on the List. This offers some flexibility in building codes to preserve important historical features.
2. No building on a listed property may be demolished without prior approval of the Historical Advisory Board. This is pursuant to Section 13-21.6 of the Alameda Municipal Code which requires that the demolition and removal provisions relating to City Monuments shall also apply to structures and other resources contained in the Historical Building Study List.

The List is continually being updated and revised by the Historical Advisory Board. Revisions to the List are filed with the City Clerk. Affected property owners are notified prior to the Historical Advisory Board taking any action to change the List. A property may be removed from the List by Board action if, in the considered opinion of the majority of the Board, a structure has been altered to such an extent as to have removed all historic value or context.

In using this List, please note that most addresses listed are based on field observation. Occasionally a corner building will have addresses on two streets. Sometimes both are listed; sometimes only one. Regardless of how it is listed, the entire parcel associated with an address is covered by the listing.

Key to Notation

Each property on the List is preceded by an uppercase letter in parentheses which indicates the type of historic resource located on the property.

N - A historic resource of the highest quality, eligible for listing in the National Register of Historic Places, usually because of its architectural significance. These are of the highest priority for inclusion on the list of Alameda Historical Monuments.

S - A historic resource distinguished by its architectural, historical, or environmental significance, eligible for inclusion in the State Historic Resources Inventory, and of secondary priority for inclusion on the list of Alameda Historical Monuments. Many of these are also eligible for listing in the National Register of Historic Places. Others would be eligible if design integrity were restored.

B - A resource which, due to its scale, massing, materials, style, and other features, is similar to a nearby "N" or "S" resource and serves as Background support for it. These resources are eligible for inclusion in a group or district nomination to the National Register of Historic Places.

List of Webster Street Buildings on Alameda's Historical Building Study List

E - A resource which, by itself, might be insignificant, but which, together with its neighbors, forms an Environment which is distinguished by its continuity, its setting, its urban design features, and its integrity. This resource derives its significance from its association with neighboring resources.

H - A resource which may have Historical importance because of its apparent age or location, or may have architectural importance because of its similarity to other buildings done by important architects and/or builders. Historic research should precede further evaluation of this resource.

Some of the buildings and resources have been further studied by the City or private individuals. The form or report may be on file with the City Planning Department, and is indicated by a lowercase letter following the address.

n - Included on the National Register of Historic Places.

np - Nomination form for National Register of Historic Places designation has been prepared.

s - A State Historic Resources Inventory form has been prepared.

sg - A group State Historic Resources Inventory form has been prepared.

ap - An Alameda Historical Monument report has been prepared.

Buildings

Webster Street

(S) 1417/19

(S) 1423

(S) 1425/31

(S) 1432

(S) 1442

(B) 1445-53A, s

(B) 1500, s

(H) 1502

(H) 1504

List of Webster Street Buildings on Alameda's Historical Building Study List

(S) 1506-10
(B) 1511, s
(S) 1513-19, s
(S) 1514-16, s
(B) 1518, s
(H) 1523
(S) 1528, s
(B) 1532, s
(S) 1536
(B) 1537, s
(B) 1538
(B) 1541-43, s
(S) 1546
(H) 1550/52
(H) 1551
(B) 1606-14, s
(S) 1700
(H) 1701-removed 02/92
(H) 1712
(S) 1716
(S) 1829
(-) 1916
(-) 2100, s

CITY OF ALAMEDA RESOLUTION NO. _____

UPHOLDING THE PLANNING BOARD'S DECISION TO
READOPT ZONING TEXT AMENDMENT ZA04-0002 TO THE
WEBSTER STREET GUIDELINES KNOWN HENCEFORTH AS
THE WEBSTER STREET DESIGN MANUAL

WHEREAS, Section 30-38.5 of the Zoning Ordinance of the City of Alameda provides for adoption of a Design Manual for commercial development in the City; and

WHEREAS, the Planning Board adopted the Webster Street Design Guidelines September 24, 2001 to improve the quality of the built environment, protect and enhance existing and historic architectural character, prevent incompatible new construction or facade improvement, protect the value of investments and help guide good design decisions based on the Community's vision for future commercial development within the Webster Street commercial area; and

WHEREAS, the adopted Guidelines were a result of a volunteer effort of the West Alameda Business Association Design Guidelines Subcommittee and were intended as a bridge to a final document; and

WHEREAS, on November 17, 2004, the West Alameda Business Association Board of Directors unanimously endorsed the draft Webster Street Design Manual, an updated version of the previously adopted Webster Street Design Guidelines; and

WHEREAS, on January 10, 2005, the Planning Board of the City of Alameda readopted the Webster Street Design Guidelines, to be known henceforth as the Webster Street Design Manual. A copy is on file in the Office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Alameda hereby upholds the Planning Board's decision to readopt the Webster Street Design Guidelines known henceforth as the Webster Street Design Manual.

* * * * *

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the _____ day of _____, 2005, by the following vote to wit:

AYES

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this _____ day of _____, 2005.

Lara Weisiger, City Clerk
City of Alameda

CITY OF ALAMEDA RESOLUTION NO. _____

**COMMENDING ALAMEDA POLICE DEPARTMENT CAPTAIN
RICH MCWILLIAMS
FOR HIS CONTRIBUTIONS TO THE CITY OF ALAMEDA**

THE COUNCIL OF THE CITY OF ALAMEDA records its appreciation for the years of service faithfully rendered by CAPTAIN RICH MCWILLIAMS for the City of Alameda; and

WHEREAS, RICH MCWILLIAMS' career with the Alameda Police Department spanned from September 2, 1975 until present and included the following assignments: Patrol Division Officer, Field Training Officer, Robbery Homicide Investigator, Personnel and Training Officer, Inspectional Services Sergeant, Narcotics Sergeant, Records Supervisor, Patrol Division Sergeant, Patrol Division Watch Commander, Traffic Division Commander, Bureau of Operations Commander, Bureau of Services Commander, Acting Chief of Police; and

WHEREAS, RICH MCWILLIAMS has made significant contributions to the City of Alameda, among those being:

- Development of the Police Department's Inspectional Services Section,
- Leading a team that developed the Police Department's Community Policing model
- Providing a bridge to community groups such as HOME, Alamedans Together Against Hate, and the Alameda Collaborative for Youth, Children, and Families

WHEREAS, RICH MCWILLIAMS was promoted to Sergeant on March 16, 1985, to Lieutenant on December 23, 1990 and to Captain on January 2, 2002; and

WHEREAS, RICH MCWILLIAMS and his wife Beckie have two children, Michael and Richie, and Rich plans on enjoying his retirement life spending more time with his family at their home in the wine country. In addition to honing his golfing skills and traveling, he will remain active in youth organizations and civic affairs; and

WHEREAS, on March 20, 2005, RICH MCWILLIAMS will officially retire from his position as Captain for the City of Alameda's Police Department.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Alameda does hereby congratulate CAPTAIN RICH MCWILLIAMS for his outstanding achievement in his service to the City of Alameda and to the profession of law enforcement.

**Resolution #5-A
3-15-05**

Approved as to Form

CITY ATTORNEY

Mayor Beverly Johnson

Vice Mayor Marie Gilmore

Councilmember Doug deHaan

Councilmember Tony Daysog

Councilmember Frank Matarrese

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the _____ day of _____, 2005, by the following vote to wit:

AYES

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this ____ day of _____, 2005.

Lara Weisiger, City Clerk
City of Alameda

City of Alameda

Memorandum

Date: March 3, 2005

To: Honorable Mayor and
Council members

From: William C. Norton
Interim City Manager

Re: Public hearing to consider an Appeal of the Planning Board's denial of seven Variances V04-0014 and Major Design Review DR04-0082 to legalize the unpermitted conversion of an existing detached garage into a dwelling unit. The site is located at 1608 Santa Clara Avenue within the R-4, Neighborhood Residential District. Applicant/Appellant: Michele & Frank Mulligan

BACKGROUND

This matter is a code compliance case that began as a complaint filed in 2002. The property owners were notified of the alleged violations. Code Compliance Officers subsequently inspected the site and verified that the garage had been modified without permits. Thereafter the applicant brought in the request for Major Design Review and seven variances to legalize the conversion of a detached garage into a dwelling unit. The proposed plan to legalize the unpermitted construction requires seven variances. Staff recommended at that time that the project be modified to comply with requirements in the Alameda Municipal Code, as it would be difficult to support the required findings in order to approve the variance.

DISCUSSION/ANALYSIS

The Appellants are appealing the Planning Board's February 14, 2005 decision to deny the Variances and Major Design Review (DR04-0082, V04-0014,). The Appellants basis of appeal is that the illegal conversion of the garage into a dwelling unit occurred prior to their purchase of the property. Furthermore, the appellants claim that having the dwelling unit was a primary reason for purchasing the property. In addition, they are of the opinion that to bring back the unit to today's standards is not feasible.

According to City records the two car garage was constructed in 1984. During staff correspondence with the applicants, the applicants claimed that the garage was originally constructed and permitted as a dwelling unit and not a garage. The applicants reference the 1984 permit which indicates the existing and proposed use as "SFD." However, in the correspondence dated October 20, 2004, staff explained to the applicants that the existing and proposed use question on the Building Permit form refers to the use of the entire property and not the structure. Furthermore, the description of work on the Building Permit clearly states that the structure is a garage. In addition, Code Compliance's

inspection also noted that the physical conditions created by the unpermitted conversion of the garage into a dwelling unit do not comply with the safety standards of the Building Code. For example, the upstairs sleeping area has substandard headroom and egress, the stair access to the upstairs loft does not meet minimum requirements for stair construction, and electrical wiring and bathroom components do not meet Building Code safety standards. The Planning Board was unable to support the findings necessary to approve the seven requested variances. The inability to meet minimum safety standards also led to a unanimous denial of the application by the Planning Board.

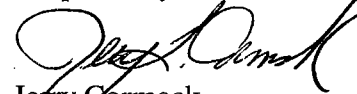
BUDGET CONSIDERATIONS/ FISCAL IMPACT

There will be no additional funding in the Planning & Building Department budget necessary relating to Planning activities for this project.

RECOMMENDATION

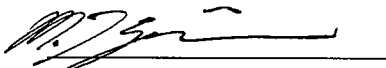
The City Manager recommends that the City Council conduct a public hearing, review all pertinent testimony and information then act to uphold the Planning Board's denial of Major Design Review DR04-0082 and Variance V04-0014 by adopting the draft City Council Resolution included in the agenda packet.

Respectfully submitted,



Jerry Cormack
Interim Planning Director

By:



Maarten Georgius
Planner

ATTACHMENTS:

1. Planning Board Staff Report (with attachments)
2. Petition for Appeal, February 17, 2005
3. Planning Board Resolution No. PB-05-05 Denying Variances V04-0014 and Denying Major Design Review DR04-0082.
4. Planning Board Minutes for the meeting of February 14, 2005
5. Project Plans **Att. 5 on file in the City Clerk's Office**

cc: President Cunningham, Planning Board

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**CITY OF ALAMEDA
PLANNING AND BUILDING DEPARTMENT
STAFF REPORT**

ITEM NO.: **8-C**

APPLICATION: Major Design Review, DR04-0082 and Variances, V04-0014, Applicant, Peter Braun, for Property Owners, Michelle & Frank Mulligan — 1608 Santa Clara Avenue. The applicant requests Major Design Review and seven Variance approvals to permit the conversion of an existing detached garage to be used as a dwelling unit. The site is located at 1608 Santa Clara Avenue within the R-4, Neighborhood Residential District.

GENERAL PLAN: Medium Density Residential

ENVIRONMENTAL DETERMINATION: Categorically Exempt from State CEQA Guidelines, Section [15301(e)(1)] – [Additions to Existing Structures]

STAFF PLANNERS: Dave Valeska, Planner III/ Maarten Georgius, Planner

RECOMMENDATION: Deny Variances and Major Design Review

ACRONYMS: AMC – Alameda Municipal Code

ATTACHMENTS:

1. Draft Resolution
2. Project Plans
3. Staff Correspondence “Letter of Completeness,” December 30, 2004.
4. Staff Correspondence “Second Notice of Incomplete,” November 17, 2004.
5. Staff Correspondence “No response letter,” October 20, 2004.
6. Staff Correspondence “Notice of Incomplete Application,” September 9, 2004.
7. Permit History

I. PROPOSAL SUMMARY

The project involves Code Enforcement action on an unauthorized conversion of a two-car garage in the rear yard into a dwelling unit. The applicants are requesting approval of a Major Design Review and seven variances to legalize the conversion.

The variances required to legalize the dwelling unit include:

- a. Variance to AMC Subsection 30-4.4(d)(6), for the eight-inch side yard, where five feet is required for the first story and seven feet is required for the second story.
- b. Variance to AMC Subsection 30-4.4(d)(7), for the eight-inch rear yard, where twenty feet is required.
- c. Variance to AMC Subsection 30-4.4(d)(8), for the approximate 15' separation between the main building and the proposed cottage, where a twenty foot separation is required.
- d. Variance to AMC Subsection 30-7.10(a)(2), for not having a landscaped separation between the proposed parking spaces and buildings/property lines, where a three foot landscaped separation is required.
- e. Variance to AMC Subsection 30-7.9(f)(1), for the proposed driveway, which is approximately twenty feet wide, where residential driveways are limited to a maximum of ten feet, or sixteen feet if the driveway serves a two car garage located within fifty feet of the street frontage.
- f. Variance to AMC Subsection 30-7.10(a)(3), for not having a landscaped separation between the proposed driveway and the property line, where a one foot landscaped separation is required.
- g. Variance to AMC Subsection 30-7.6(a)(1), for the proposed three parking spaces, where a minimum of four off-street parking spaces is required for two dwelling units.

II. BACKGROUND

A. Existing Conditions

The project site is located in the R-4, Neighborhood Residential Zoning District. County records indicate that the subject property consists of a rectangular lot that measures approximately 46 feet wide by 127 feet deep (approx. 5,900 square feet). The size of this property is larger than the standard 5,000 square-foot lot required by the AMC. The subject garage is located in the southeast corner of the rear yard with minimal setback to the side and rear property lines. Since 1984, the driveway has been converted into a garden with the illegal construction of a patio structure and the placement of planters and landscaping in the driveway, obstructing vehicular access into the garage. Currently, French doors are located in the garage door opening on the façade. A kitchen and bathroom were added on the ground floor and a staircase leads to an upper level loft/attic space, which was converted into a sleeping area.

B. Permit history

According to City records, the existing single-family dwelling was constructed before 1909. Building records show furthermore that the garage was constructed in 1984. This code compliance case began as a complaint filed in 2002, and code compliance officers verified that the garage had been modified with out permits. Thereafter the applicant brought in the request for Major Design Review and three variances to legalize the conversion of a detached garage into an in-law unit. Following staff investigation several incomplete letters were send out requesting the submittal of four additional variances, additional information and revised plans necessary for Planning and Building staff review. Because the application fees submittal were

sufficient for three variances only, additional application fees for four additional variances were requested as well. While requesting additional information, it was made clear to the applicant that the necessary findings to support approval of the seven required variances were unable to be made. Staff also recommended that the project be modified to comply with requirements in the Alameda Municipal Code. The property owner determined he would file for the required variances.

During staff correspondence with the applicants, the applicants claimed that the garage was originally constructed and permitted as a dwelling unit and not a garage. The applicants reference the 1984 permit which indicates the existing and proposed use as "SFD." In the correspondence dated October 20, 2004, staff clarified by reminding the applicants that the existing and proposed use fields on the Building Permit refers to the use of the entire property and not the structure. Furthermore, the description of work on the Building Permit clearly states that the structure is a garage.

C. Surrounding Land Use

Adjacent property uses include a mix of one and two story, single-family residences. Many of the homes have detached garages or no designated off-street parking.

North—two-story, single-family residence

South—one-story, single-family residence

East—two-story, multi-family residence

West—two-story, single-family residence

III. STAFF ANALYSIS

In addition to the conversion request the applicant proposes to remove a wood trellis and three trees at the east side of the house, in order to make way for a third parking space in the driveway area. This proposed rearrangement of the existing driveway and adding of a new parking space does not comply with the Alameda Municipal Code, because it does not have a landscaped separation between the proposed parking spaces and buildings/property lines where a three-foot landscaped separation is required. The table below compares the existing conditions with the requirements of the AMC.

a. Compliance with Development Standards for Height, Lot Coverage, and Setbacks

DESCRIPTION	REQUIRED	PROPOSED	COMPARISON
Separation Between Main Buildings	20'	15'	Does Not Comply Variance Required
Side Setback (garage)	5'	8"	Does Not Comply Variance Required
Rear Setback (garage)	5'	8"	Does Not Comply Variance Required
Parking/Landscape separation	3'	none	Does Not Comply Variance Required

DESCRIPTION	REQUIRED	PROPOSED	COMPARISON
Driveway width	10' or less	19'-7"	Does Not Comply Variance Required
Driveway/landscaping	1'	none	Does Not Comply Variance Required
Number of Parking spaces for two dwelling units	4	3	Does Not Comply Variance Required

In addition to the nonconforming features listed in the above table, Code Compliance's inspection also noted that the physical conditions created by the unpermitted conversion of the garage into a dwelling unit do not comply with the safety standards of the Building Code. For example, the upstairs sleeping area has substandard headroom and egress, the stair access to the upstairs loft does not meet minimum requirements for stair construction, and electrical wiring and bathroom components do not meet Building Code safety standards.

b. Variances

To grant the relevant Variance, the Planning Board must make all three of the following findings as they relate to each Variance request:

- 1. There are extraordinary circumstances applying to the property relating to the physical constraints of the parcel, such as size, shape, topography, location, or surroundings.**

This finding cannot be made. The property is 5,900 square feet in size and is larger than the standard 5,000 square foot required in this Zoning District. In addition, there are no extraordinary circumstances with respect to the shape, topography, location, surroundings. Neighboring properties are also developed with a similar site configuration.

- 2. Because of extraordinary circumstances, the literal enforcement of the Zoning Ordinance standards would result in practical difficulty or unnecessary hardship such as to deprive the applicants of a substantial property right possessed by other owners of the property in the same district.**

Staff cannot make this finding. There is no practical difficulty or unnecessary hardship such as to deprive the applicants of a substantial property right possessed by other property owners in the same district, because all of the other residences in this neighborhood are held to the same zoning standards and maintain lots with the same size limitations. The property owner has created a self-imposed hardship by converting a garage into a substandard dwelling unit.

- 3. The granting of the Variance, under the circumstances of the particular case, will not be detrimental to the public welfare or injurious to persons or property in the vicinity.**

This finding cannot be made. The garage was designed and constructed for vehicular parking, and the illegal conversion of the garage into living space has created substandard living conditions that violate safety requirements of the Building Code. The proposal to retain the

dwelling unit in the garage structure within the side and rear property lines also has the potential to create increased noise along the south and east side of the yard, which may be injurious to the adjacent and abutting residential properties.

Variance Conclusion:

Staff is unable to make any of the required findings in order to support approval for Variance, V04-0014.

c. Design Review Findings:

The following findings are required for approval of the Major Design Review application:

1. **The project will have no significant adverse impacts on the persons or property in the vicinity.**

This finding cannot be made. This finding cannot be made because these listed elements are noted to have adverse effects under the Variance findings. Nonconforming projects cannot be found to be without adverse effects if Variance findings cannot support approval of required Variances.

2. **The project will be compatible and harmonious with the design and use of the surrounding area.**

This finding cannot be made. Nonconforming projects cannot be found to be compatible and harmonious with the design and use of surrounding properties if Variance findings cannot support approval of required Variances.

3. **The project is consistent with the City of Alameda Design Review Guidelines.**

This finding cannot be made. These project elements cannot be found to be consistent with the City's Design Review Guidelines unless the Variance process can approve these nonconforming elements.

Design Review Conclusion:

Staff is unable to make findings in order to support a recommendation of approval for the conversion of the garage into an in-law dwelling, as is currently proposed.

IV. RECOMMENDATION

Staff recommends that the Planning Board hold a public hearing, consider all available testimony and information, review the administrative record, and act to deny Variance, V04-0014 and Major Design Review, DR04-0082 for the conversion of the existing detached garage into a dwelling unit.

Additionally, should the Planning Board uphold staff's recommendation to deny the requests for Variances and Major Design Review, the Property Owners shall have thirty days (30) from the date of Planning Board's adoption of the Draft Resolution to submit revised plans to bring all unauthorized work into conformance either by removing the unauthorized construction and/or bringing the work into conformance with the regulations of the Alameda Municipal Code and California Building Code.

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CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. *Draft*

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA DENYING VARIANCES, V04-0014, AND MAJOR DESIGN REVIEW, DR04-0082 TO LEGALIZE THE CONVERSION OF A DETACHED TWO CAR GARAGE INTO A DWELLING UNIT AT 1608 SANTA CLARA AVENUE.

WHEREAS, an application was made on August 10, 2004, by Peter Braun for property owners, Michelle & Frank Mulligan, for Variance and Major Design Review approval to requests Major Design Review and Variance approval to permit the conversion of an existing garage in to an in-law unit. The applicant is requesting the following Variances:

1. Variance to AMC Subsection 30-4.4(d)(6), for the eight-inch side yard, where five feet is required for the first story and seven feet is required for the second story.
2. Variance to AMC Subsection 30-4.4(d)(7), for the eight-inch rear yard, where twenty feet is required.
3. Variance to AMC Subsection 30-4.4(d)(8), for the approximate 15' separation between the main building and the proposed cottage, where a twenty foot separation is required.
4. Variance to AMC Subsection 30-7.10(a)(2), for not having a landscaped separation between the proposed parking spaces and buildings/property lines, where a three foot landscaped separation is required.
5. Variance to AMC Subsection 30-7.9(f)(1), for the proposed driveway, which is approximately twenty feet wide, where residential driveways are limited to a maximum of ten feet, or sixteen feet if the driveway serves a two car garage located within fifty feet of the street frontage.
6. Variance to AMC Subsection 30-7.10(a)(3), for not having a landscaped separation between the proposed driveway and the property line, where a one foot landscaped separation is required.
7. Variance to AMC Subsection 30-7.6(a)(1), for the proposed three parking spaces, where a minimum of four off-street parking spaces is required for two dwelling units.

WHEREAS, the application was accepted as complete on December 30, 2004; and

WHEREAS, the subject property is designated Medium-Density Residential in the General Plan Diagram; and

WHEREAS, the subject property is located in an R-4, Neighborhood Residential Zoning District; and

WHEREAS, the Planning Board held a public hearing on this application on February 14, 2005 and has examined pertinent maps, drawings, and documents; and

WHEREAS, the Planning Board is unable to make all of the following required findings in order to support approval for the Variances to permit the conversion of the existing garage:

Attachment #1

1. **There are extraordinary circumstances applying to the property relating to the physical constraints of the parcel, such as size, shape, topography, location, or surroundings.**

This finding cannot be made. The property is 5,900 square feet in size and is larger than the standard 5,000 square foot required in this Zoning District. In addition, there are no extraordinary circumstances with respect to the shape, topography, location, surroundings, and as neighboring properties are also developed with a similar site configuration.

2. **Because of extraordinary circumstances, the literal enforcement of the Zoning Ordinance standards would result in practical difficulty or unnecessary hardship such as to deprive the applicants of a substantial property right possessed by other owners of the property in the same district.**

Staff cannot make this finding. There is no practical difficulty or unnecessary hardship such as to deprive the applicants of a substantial property right possessed by other property owners in the same district, because all of the other residences in this neighborhood are held to the same zoning standards and maintain lots with the same size limitations. The property owner has created a self-imposed hardship by converting a garage into a substandard dwelling unit.

3. **The granting of the Variance, under the circumstances of the particular case, will not be detrimental to the public welfare or injurious to persons or property in the vicinity.**

This finding cannot be made. The garage was designed and constructed for vehicular parking, and the illegal conversion of the garage into living space has created substandard living conditions that violate safety requirements of the Building Code. The proposal to retain the dwelling unit in the garage structure within the side and rear property lines also has the potential to create increased noise along the south and east side of the yard, which may be injurious to the adjacent and abutting residential properties.

WHEREAS, the Planning Board is unable to make all of the following required findings in order to support approval for the Major Design Review applications to permit the conversion of the existing garage:

4. **The project will have no significant adverse impacts on the persons or property in the vicinity.**

This finding cannot be made. This finding cannot be made because these listed elements are noted to have adverse effects under the Variance findings. Nonconforming projects cannot be found to be without adverse effects if Variance findings cannot support approval of required Variances.

5. **The project will be compatible and harmonious with the design and use of the surrounding area.**

This finding cannot be made. Nonconforming projects cannot be found to be compatible and harmonious with the design and use of surrounding properties if Variance findings cannot support approval of required Variances.

6. The project is consistent with the City of Alameda Design Review Guidelines.

This finding cannot be made. These project elements cannot be found to be consistent with the City's Design Review Guidelines unless the Variance process can approve these nonconforming elements.

NOW, THEREFORE, BE IT RESOLVED THAT the Planning Board of the City of Alameda hereby determines that the proposal is Statutorily Exempt under California Environmental Quality Act Guidelines, Section 15270(a).

BE IT FURTHER RESOLVED THAT the Planning Board of the City of Alameda hereby denies the Variance requests V04-0014, and Major Design Review, DR04-00082.

The decision of the Planning Board shall be final unless appealed to the City Council, in writing and within ten (10) days of the decision by completing and submitting an appeal form and paying the required fee.

NOTICE. The Property Owner shall have thirty days (30) from the date of this Resolution to submit revised plans to bring all unauthorized work into conformance either by removing the unauthorized construction or bringing the work into conformance with the regulations of the Alameda Municipal Code, California Building Code.

NOTICE. No judicial proceedings subject to review pursuant to California Code of Civil Procedure Section 1094.5 may be prosecuted more than ninety (90) days following the date of this decision or final action on any appeals plus extensions authorized by California Code of Civil Procedure Section 1094.6.

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City of Alameda • California

December 30, 2004

Peter Braun
2900 Main Street
Alameda, CA 94501

RE: Letter of Completeness for Major Design Review DR04-0082 and Variances V04-0014 at 1608 Santa Clara Avenue

Dear Mr. Braun,

The Planning and Building Department has reviewed your application and related materials submitted on December 30, 2004. The purpose of this letter is to notify you that your application has been found to be complete, in accordance with Government Code Section 65943 (Permit Streamlining Act). This means that you have submitted all materials required for the Planning and Building Department to continue to process your application.

Variances Required:

In addition to a Design Review approval, your current proposal will require seven variances to the Zoning Ordinance, including:

1. Variance to AMC Subsection 30-4.4(d)(6), for the eight-inch side yard, where five feet is required for the first story and seven feet is required for the second story.
2. Variance to AMC Subsection 30-4.4(d)(7), for the eight-inch rear yard, where twenty feet is required.
3. Variance to AMC Subsection 30-4.4(d)(8), for the approximate 15' separation between the main building and the proposed cottage, where a twenty foot separation is required.
4. Variance to AMC Subsection 30-7.10(a)(2), for not having a landscaped separation between the proposed parking spaces and buildings/property lines, where a three foot landscaped separation is required.
5. Variance to AMC Subsection 30-7.9(f)(1), for the proposed driveway, which is approximately twenty feet wide, where residential driveways are limited to a maximum of ten feet, or sixteen feet if the driveway serves a two car garage located within fifty feet of the street frontage.
6. Variance to AMC Subsection 30-7.10(a)(3), for not having a landscaped separation between the proposed driveway and the property line, where a one foot landscaped separation is required.
7. Variance to AMC Subsection 30-7.6(a)(1), for the proposed three parking spaces, where a minimum of four off-street parking spaces is required for two dwelling units.

Because the project requires Planning Board approval, we have tentatively scheduled it to be heard at the February 14, 2005 Planning Board public hearing. As noted previously, staff will be unable to make the necessary findings to support approval of the seven required variances and will be recommending denial of the proposed project.

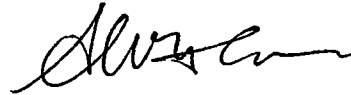
(Continue...)

Planning & Building Department
2263 Santa Clara Avenue, Room 190
Alameda, California 94501-4477
510.747.6850 • Fax 510.747.6853 • TDD 510.522.7538

Attachment #3

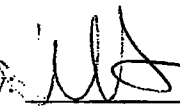
In preparation of the public hearing, please submit 15 copies of your plans by January 24, 2005.
Please contact me at (510)-747-6888 if you have any questions.

Sincerely,



Allen Tai
Planner II

Manager Review:

 1/3/05

Cc: Michele & Frank Mulligan, 1608 Santa Clara Avenue, Alameda

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City of Alameda • Californi

November 17, 2004

Peter Braun
2900 Main Street
Alameda, CA 94501

RE: Major Design Review DR04-0082 and Variances V04-0014 at 1608 Santa Clara Avenue

Dear Applicant,

Based upon our review of your resubmittal for Major Design Review and Variances on November 5, 2004, your application remains incomplete because you have not addressed all the required items noted on the previous notice, dated September 9, 2004. For this reason, the Code Compliance Division have been notified for enforcement action. In order to continue processing of this application, please ensure that all incomplete items noted on our previous letter are addressed. We have attached that letter for your reference.

In particular, you have not applied for additional variances and paid required fees for processing those applications. Also, because your revised plans do not show compliance with AMC Subsection 30-5.12(g) for private open space requirements, an additional Variance request and fees will be required for processing of this project. At this time, we would like to remind you that Planning staff will be unable to make the necessary findings to support approval of the eight required variances for converting the garage into a dwelling unit. We strongly recommend that the project be modified to comply with requirements in the Alameda Municipal Code.

Please respond within **14 days** or this application will be deemed withdrawn. You may contact me at (510)747-6888 if you have questions about the issues raised in this letter. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Allen Tai", is written over a horizontal line.

Allen Tai
Planner II

Attachment: Letter date September 9, 2004

Cc: Michelle & Frank Mulligan, Property Owners
Code Compliance, file X02-0026

Manager Review/Date: Handwritten initials "JR" and the date "11/17/04" are written over a horizontal line.

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Planning & Building Department
2263 Santa Clara Avenue, Room 190
Alameda, California 94501-4477
510.747.6850 • Fax 510.747.6853 • TDD 510.522.7538

Attachment #4



City of Alameda • California

October 20, 2004

Peter Braun
2900 Main Street
Alameda, CA 94501

RE: Major Design Review DR04-0082 and Variances V04-0014 at 1608 Santa Clara Avenue

Dear Applicant,

We have not received your response to our letter, dated September 9, 2004, within the specified 30 days. Your project remains incomplete as noted in the previous letter, and this matter has been referred to the Code Compliance Division.

During our conversation on September 16, 2004, you had indicated that the City's 1984 permit record shows "SFD" as the proposed use for the subject building. As I had noted during the same conversation, the "proposed use" field refers to the existing and proposed use of the site and not the building. The use of the building is noted in the description of work, which states that the new building will be a garage. The City recognizes the property as a single family use with a detached garage. Planning Staff cannot make the required findings to support approval of the variances to legalize the conversion of the garage into a dwelling unit. We recommend that all unpermitted work be brought into compliance with City regulations and that the accessory building be restored back to garage use.


If you do not respond within **10 days**, the project will be scheduled for a Planning Board hearing for project denial. You will be notified when the hearing is scheduled. Please contact me at 510-747-6850 if you have any questions. Thank you.

Sincerely,

A handwritten signature in dark ink, appearing to read "Allen Tai", is written over a horizontal line.

Allen Tai
Planner II

Cc: Michelle & Frank Mulligan, Property Owners
Ken Jeffrey, Code Compliance Division

Reviewed By/Date: 

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Planning & Building Department
2263 Santa Clara Avenue, Room 190
Alameda, California 94501-4477
510.747.6850 • Fax 510.747.6853 • TDD 510.522.7538

Attachment #5



City of Alameda • California

September 9, 2004

Peter Braun
2900 Main Street
Alameda, CA 94501

RE: Major Design Review DR04-0082 and Variances V04-0014 at 1608 Santa Clara Avenue

Dear Applicant:

Based upon our review of your plans submitted for Major Design Review and Variances on August 10, 2004, your application has been deemed INCOMPLETE according to the Permit Streamlining Act (Government Code Section 65943). In order for this application to be deemed complete, please address the following items:

Variances Required:

- Need
1. Your current proposal will require seven variances to the Zoning Ordinance, including:
 - a. Variance to AMC Subsection 30-4.4(d)(6), for the eight-inch side yard, where five feet is required for the first story and seven feet is required for the second story.
 - b. Variance to AMC Subsection 30-4.4(d)(7), for the eight-inch rear yard, where twenty feet is required.
 - c. Variance to AMC Subsection 30-4.4(d)(8), for the approximate 15' separation between the main building and the proposed cottage, where a twenty foot separation is required.
 - d. Variance to AMC Subsection 30-7.10(a)(2), for not having a landscaped separation between the proposed parking spaces and buildings/property lines, where a three foot landscaped separation is required.
 - e. Variance to AMC Subsection 30-7.9(f)(1), for the proposed driveway, which is approximately twenty feet wide, where residential driveways are limited to a maximum of ten feet, or sixteen feet if the driveway serves a two car garage located within fifty feet of the street frontage.
 - f. Variance to AMC Subsection 30-7.10(a)(3), for not having a landscaped separation between the proposed driveway and the property line, where a one foot landscaped separation is required.
 - g. Variance to AMC Subsection 30-7.6(a)(1), for the proposed three parking spaces, where a minimum of four off-street parking spaces is required for two dwelling units.

Because the application fees submittal are sufficient for three variances only, additional application fees for four additional variances will be required. Investigative Fees of 400% of the application fee will also apply because this is an Enforcement Case.

- Need
2. Your application is also missing a fee item for Environment Review (Categorical Exemption determination), which is required under State CEQA requirements.

Planning and Building Department

2263 Santa Clara Avenue, Room 190
Alameda, California 94501
510 748.4554 • Fax 510 748.4593 • TDD 510 522.7538

Attachment #6

The following fee schedule provides an estimate of these costs:

Fee Schedule for additional variances:

4 th Variance	\$712.50 (includes 400% Investigative Fee)
5 th Variance	\$712.50 (includes 400% Investigative Fee)
6 th Variance	\$712.50 (includes 400% Investigative Fee)
7 th Variance	\$712.50 (includes 400% Investigative Fee)
<u>Environmental Review</u>	<u>\$370 (includes a \$250 deposit)</u>
Subtotal	\$3220.00*

*NOTE: Other applicable fees may apply at the time of submittal

Other Incomplete items:

- ✓ 3. Because the project is a request to legalize the conversion of a garage into a residential unit, the plans must identify the undocumented residential unit as a proposed cottage and the existing site plan should identify the structure as the existing garage. Please revise your plans to comply.
- ✓ 4. Surrounding Environment. Please provide a second site plan showing the proposed cottage and its relationship to adjacent buildings. The height of adjacent buildings shall also be included on the plans.
- ✓ 5. Dimensions. Your plans indicate that the drawings should not be scaled, however, the plans lack dimensions pertaining to various items related to the project. Please revise your plans to show dimensions of the driveway width, the distances between buildings, the dimensions of the loft space in the proposed cottage and other items related to the variances mentioned above. The total height of the proposed cottage shall also be indicated.
- ✓ 6. Summary Table. Please complete the attached summary table for this project. In addition, please provide both floor area and total lot coverage calculations for the two buildings.
- 7. Garage conditions. If possible, please provide detailed drawings of the garage prior to the unpermitted conversion. The plans should show all building elevations as well as a floor plan of the interior conditions.
- Need → 8. Open Space. Open space is required pursuant to AMC Subsection 30-5.12 for properties with multiple dwelling units. Please revise your plans to show common and private open space areas according to the open space requirements. Additional variances may be required for this project if the requirements cannot be met.
- ✓ 9. Please revise your plans to show the location of any trees, fences, or any other accessory structures on the property.

If you disagree with the decision regarding the incompleteness of your application and the additional requirements, you may appeal it to the Planning Board. A \$95 fee and a \$500 deposit is required along with the appropriate form and 15-copies of any supporting plans and/or exhibits

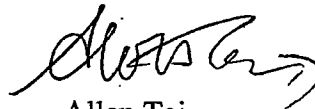
must be submitted to the Planning and Building Department, Room 190, 2263 Santa Clara Avenue, Alameda, within 10 calendar days (which would be no later than 5:00 p.m., Monday, September 20, 2004).

Preliminary Merits

Staff will be unable to make the necessary findings to support approval of the seven required variances. We recommend that the project be modified to comply with requirements in the Alameda Municipal Code. Additional staff comments may be forthcoming pending your response to this notice.

This application will be cancelled and referred to Code Compliance for enforcement action if a complete application, as requested by this notice, is not submitted within **30 days**. Please contact me if you have questions about the issues raised in this letter. Thank you.

Sincerely,



Allen Tai
Planner II

Attachment: Summary Table

Cc: Michelle & Frank Mulligan, Property Owners
Jerry Cormack, Development Review Manager
Code Compliance, file X02-0026

CITY OF ALAMEDA - ADDRESS ACTIVITY REPORT

Activity at: 1608 SANTA CLARA

<u>Permit</u>	<u>Type</u>	<u>Status</u>	<u>Applicant</u>	<u>Work Description</u>	<u>Issued Date</u>	<u>Finaled Date</u>
B03-0884	Building Permit	FINALED	MULLIGAN MICHELE P & FRANK F	CODE ENF: TEAR OFF & RE-ROOF SFD (FRONT BUILDING ON PROPERTY, CLASS A, INSTALL SPARK ARRESTOR IF NEEDED)	07/15/2003	08/05/2003
BP840727	Building Permit	FINAL	HERINGER	DEMO GARAGE	06/15/1984	08/09/1984
BP840728	Building Permit	FINAL	HERINGER	NEW GARAGE	06/15/1984	10/26/1984
DR04-0082	Major Design Review	APPLIED	PETER BRAUN, AIA	CODE ENF: 504 SF DWELLING AT REAR OF PROPERTY		
P97-5002	Plumbing Permit	FINAL	SING SING CONSTRUCTI ON CO.	REPLACE SEWER LATERAL (RESALE)	01/02/1997	01/21/1997
V04-0014	Variance	APPLIED	PETER BRAUN, AIA	CODE ENF: 504 SF DWELLING AT REAR OF PROPERTY (REQUIRES 3 VARIANCES: SIDE/REAR SETBACKS; EXCEED MAX ALLOWABLE HEIGHT; PARKING SPACES)		
X02-0026	Complaint	RECEIVED	CITY OF ALAMEDA	CONVERTED GARAGE INTO LIVING UNIT; REPLACED ROOF W/O PERMIT ABOUT ONE (1) YEAR AGO		

Attachment #7

PLEASE TYPE OR PRINT

0308

LOC #

COMMERCE
CODE

Interim Form 7-1-80

DO NOT WRITE
ABOVE THIS LINE

INSTALLATION OF FIRE DETECTION SYSTEM MANDATORY ON BUILDING PERMITS IN EXCESS OF \$1,000.00.

OWNER	BUILDING ADDRESS		
	TRACT	BLOCK FACE	LOT PARCELS
LICENSEE	NAME <u>Red Heringer</u>		
	ADDRESS <u>1608 Santa Clara Ave</u>	CITY <u>San Jose</u>	STATE <u>CA</u>
CONTRACTOR	NAME <u>Red Heringer</u>		
	ADDRESS <u>1608 Santa Clara Ave</u>	CITY <u>San Jose</u>	STATE <u>CA</u>
I hereby affirm that I am licensed under provisions of Chapter 8 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect.			
CITY BUSINESS <u>CEL</u>			
CITY <u>San Jose</u> STATE <u>CA</u> PHONE <u>945-3001</u>			
Signature _____ Date _____			
<p>I hereby affirm that I am exempt from the Contractor's License Law for the following reason (Sec. 7031.5, Business and Professions Code): Any city or county which requires a permit to construct, alter, improve, demolish, or repair any structure, prior to its issuance, also requires the applicant for such permit to file a signed statement that he is a licensed pursuant to the provisions of the Contractor's License Law Chapter 8 (commencing with Sec. 7000) of Division 3 of the Business and Professions Code, or that he is exempt therefrom and the basis for the signed exemption. Any violation of Section 7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars (\$500.00).</p> <p><input type="checkbox"/> I, as owner of the property, or my employees with wages as their sole compensation, will do the work, and the structure if not intended or offered for sale (Sec. 7044, Business and Professions Code). The Contractor's License Law does not apply to an owner of property who builds or improves thereon, and who does such work himself or through his own employees, provided that such improvements are not intended or offered for sale. If, however, the building or improvement is sold within one year of completion, the owner-builder will have the burden of proving that he did not build or improve for the purpose of sale.</p> <p><input type="checkbox"/> I as owner of a property, am exclusively contracting with licensed contractors to construct the project (Sec. 7044, Business and Professions Code). The Contractor's License Law does not apply to an owner of property who builds or improves thereon, and who contracts for such projects with a contractor(s) licensed pursuant to the Contractor's License Law.</p> <p><input type="checkbox"/> I am exempt under Sec. _____ B & P. C. for this reason _____</p> <p>Signature _____ Date _____</p>			
<p>I hereby affirm that I have a certificate of consent to sell-insure, or a certificate of Workers' Compensation Insurance, or a certified copy thereof (Sec. 3400, Lab. C.).</p> <p>Agency _____ Company _____</p> <p><input type="checkbox"/> Certified copy is hereby furnished.</p> <p><input type="checkbox"/> Certified copy is filed with the city building inspection department.</p> <p>Signature _____ Date _____</p>			
<p>(This section need not be completed if the permit is for one hundred dollars (\$100) or less.)</p> <p>I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the Workers' Compensation Laws of California.</p> <p>Signature _____ Date _____</p>			
<p>NOTICE TO APPLICANT: If, after making this Certificate of Exemption, you should become subject to the Workers' Compensation provisions of the Labor Code, you must forthwith comply with such provisions or the permit shall be deemed revoked.</p>			
<p>I hereby affirm that there is a construction lending agency for the performance of the work for which this permit is issued (Sec. 3067, Civ. C.).</p> <p>NAME _____</p> <p>ADDRESS _____</p>			
<p>I CERTIFY THAT I HAVE READ THIS APPLICATION AND STATE THAT THE INFORMATION GIVEN IS TRUE AND CORRECT. I AGREE TO COMPLY WITH ALL LOCAL ORDINANCES AND STATE LAWS RELATING TO BUILDING CONSTRUCTION AND I MAKE THIS STATEMENT UNDER PENALTY OF LAW. I HEREBY AUTHORIZE REPRESENTATIVES OF THIS CITY/COUNTY TO ENTER UPON THE ABOVE MENTIONED PROPERTY FOR INSPECTION PURPOSES. NOTICE: THIS PERMIT WILL EXPIRE BY LIMITATION IF WORK IS NOT STARTED IN 180 DAYS OR IF WORK IS ABANDONED FOR MORE THAN 180 DAYS. DO NOT CONCEAL OR COVER ANY CONSTRUCTION UNTIL THE WORK IS INSPECTED AND THE INSPECTION IS RECORDED ON THE BACK OF THE JOB COPY OF THIS PERMIT. ALL INSPECTION REQUESTS ARE REQUIRED 24 HOURS IN ADVANCE OF THE INSPECTION.</p> <p><input type="checkbox"/> Contractor <u>Red Heringer</u> Date <u>6-15-84</u></p> <p><input type="checkbox"/> Owner _____</p> <p><input type="checkbox"/> Agent for <input type="checkbox"/> Contractor <u>Red Heringer</u></p> <p>Address of Agent _____ CITY _____ STATE _____ ZIP CODE _____</p>			

PLAN NO. _____ PERMIT NO. 84-0728ADDRESS: 1608 Santa Clara AveAPPLICATION FOR BUILDING PERMIT
CITY OF ALAMEDA
522-4100, Ext. 276New Const. ☒ Addition _____ Alteration _____ Repair _____

Other _____

Existing Use: Existing SFDProposed Use: SPD SPD

DESCRIPTION OF WORK

New Building (Garage)9.9' x 24'

VALUATION OF WORK

\$ 6,000.00COST OF WORK TO BE CHECKED
PRIOR TO FINAL INSPECTION

including all labor, materials, and all lighting, heating, ventilating, water supply, plumbing, fire sprinklers, electric wiring, elevator equipment and all features that are affixed or a permanent part of the building.

Address: FEES: Building \$ 72+5Sewer Conn: 6.00 Plan Check \$ 47

Unit Tax: _____ Total: \$ _____

NOTICE: This permit does NOT INCLUDE any construction within the public right of way.

APPLICATION RECEIVED

DATE 6-15-84 SIGNED Red Heringer

APPROVAL

DATE 6-19-84 SIGNED Red Heringer

ISSUED

DATE 6-25-84 SIGNED Red Heringer

THIS PERMIT DOES NOT AUTHORIZE

PLUMBING, HEATING OR ELECTRICAL WORK

The Department will Telephone 865-706
if alterations or changes in plans are required.

PLAN CHECK FEE PAID

Date: _____

Receipt: _____

RECEIVED

JUN 15 1984

CENTRAL PERMIT OFFICE
CITY OF ALAMEDA

PERMIT NO.

522-100-111-276

Repair

571

510

DESCRIPTION OF WORK

beck old

5

FEEs: Building &

~~Pin Check~~

Total: \$

DATE 6-2-84 SIGNED _____

APPROVAL

DATE 4-17-67 SIGNED _____

6-5-54

PLUMBING, HEATING OR ELECTRICAL WORK

MAY 31 1984

RECEIVED

PLAN CHECK OFFICE

Date: 6-15-84 CITY OF ALAMEDA

Receipt 151235-C

JUN 15 1984

CENTRAL PERMIT OFFICE
CITY OF ALABAMA

PLEASE TYPE OR PRINT

PLAN NO.

PERMIT NO.

84-1000

ADDRESS:

APPLICATION FOR BUILDING PERMIT

CITY OF ALAMEDA

522-4100, Ext. 276

New Const. _____ Addition _____ Alteration _____ Repair _____

Other _____

Existing Use: _____

Proposed Use: _____

DESCRIPTION OF WORK

rock old chimney

VALUATION OF WORK

COST OF WORK TO BE CHECKED
PRIOR TO FINAL INSPECTION

including all labor, materials, and all lighting, heating, ventilating, water supply, plumbing, fire sprinklers, electric wiring, elevator equipment and all features that are affixed or a permanent part of the building.

Address: _____ FEES: Building \$ 2000

Sewer Conn: _____ Pipe Check \$ 1000

Unit Tax: _____ Total: \$ 1000

NOTICE: This permit does NOT INCLUDE any construction within the public right of way.

APPLICATION RECEIVED
DATE 6-15-84 SIGNED [Signature]
APPROVAL
DATE 6-19-84 SIGNED [Signature]
ISSUED
DATE 6-25-84 SIGNED [Signature]THIS PERMIT DOES NOT AUTHORIZE
PLUMBING, HEATING OR ELECTRICAL WORKThe Department RECEIVED
If alterations or changes in plans are required.

MAY 31 1984

RECEIVED

PLAN CHECKED BY PERMIT OFFICE

Date: 6-15-84

Receipt: 15235-C

JUN 15 1984

CENTRAL PERMIT OFFICE
CITY OF ALAMEDA

BUILDING ADDRESS

BLDG

BLDG FACE

LOT FACE

NAME

ADDRESS

CITY

STATE

ZIP

NAME

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STATE

ZIP

I hereby affirm that I am licensed under provisions of Chapter 8 commencing with Section 1000 of Division 3 of the Business and Professions Code, and my license is in full force and effect.

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INSTALLATION OF JAIL DETECTION SYSTEM MAINTAINED ON RECORD PERMITS IN EXCESS OF \$1,000.00

INFORM FORM 7-1-80

DO NOT WRITE
ABOVE THIS LINE

APPLICANT

LENDER

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OWNER: Justin Realty

SANTA CLARA AVENUE, 1608

(BUILT BEFORE 1909)

DATE	JOB	COST	PERMIT	PLANS	REMARKS
5-29-59	Termite repairs	1100.	885		
5-29-59	Termite control	150.	886	SPC #42	
3-16-76	Repair porch decking (front)	\$150.	169		Ned Heringer
3-18-76	Gutters	950.	174		

*** C I T Y of A L A M E D A ***
Property Inquiry File
07/24/92

Permit Address: 1608 SANTA CLARA AVE

PERMIT/#	ISSUE DATE	FINAL DATE	CONTRACTOR	JOB
BP-84-0727	06/25/84	08/09/84	HERINGER	DEMO GARAGE
BP-84-0728	06/25/84	10/26/84	HERINGER	NEW GARAGE

PETITION FOR APPEAL

TO: CITY OF ALAMEDA

City Hall

2263 Santa Clara Avenue #190

Alameda CA 94501

CITY COUNCIL

(Planning Board or City Council)

This petition is hereby filed as an appeal of the decision of the

PLANNING BOARD

(Planning Director/Zoning Administrator/Planning Board/Historical Advisory Board)

which

DENIED

for

(Denied/Granted/Established Conditions)

at

1608 Santa Clara Ave

for a

(Application Number)

(Street Address)

☒ DRO4-0082

☐ Use Permit

☒ V04-0014

Variance

☐ Subdivision Map

☐ Rezoning

☐ Planned

Development

☐ Planned Development/Amendment

☐ Other

(Specify)

on

2/14/08

(Specify Date)

The basis of the appeal is: WE FEEL THAT SOMETHING

WAS "SUSPECT" AT THE ORIGINAL PERMITTING FOR THE GARAGE.

THAT ALTHOUGH WE WERE NOT THE OWNERS OF THE PROPERTY

20 YEARS AGO, IT IS IMPOSSIBLE TO MEET TODAY'S STANDARDS. WE

BOUGHT THE PROPERTY SPECIFICALLY BECAUSE OF THE GOTTAGE SO

(If more space is needed, continue on the reverse side or attach additional sheets.)

FRANK MULLIGAN

(Name)

1608 SANTA CLARA AVE

(Address)

ALAMEDA, CA

(City/State)

510-385-0474

(Telephone - Work)

510-523-9111

(Telephone - Home)

(For Office Use Only) Date Received Stamp

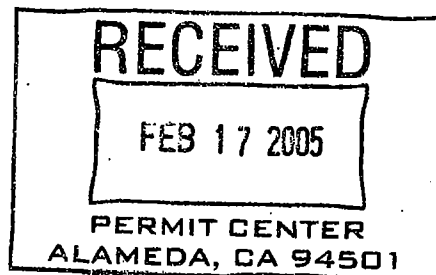
Received By:

Receipt No.:

E Chan

419.333 8/14/10

G:\PLANNING\FORMS\APPEAL01.WPD



Attachment #2

MY MOTHER COULD LIVE THERE AND HAS BEEN LIVING THERE
THE LAST ^{EIGHT} ~~NINE~~ YEARS.

WE ARE HOPING THAT THE APPEAL WILL GIVE OUR CASE
THE FLEXIBILITY THE CITY COUNCIL HAS TO OVERRIDE THE
DECISION OF THE BOARD AND HOPEFULLY THE VARIANCES
ALSO.

2263 SANTA CLARA AVENUE ROOM 190
ALAMEDA, CA 94501

CITY OF ALAMEDA

City: Dave

(510) 747-6800
FAX (510) 747-6804

Major Design Review: DR04-0082

Applicant Information

PETER BRAUN, AIA
2900 MAIN ST
ALAMEDA, CA 94501
510-523-3334

Contractor Information

Owner Information

MULLIGAN MICHELE P &
FRANK F
1608 SANTA CLARA AVE
ALAMEDA, CA 94501
510-523-9111

Project Information

Status: **INCOMPLETE**

Applied: 08/10/2004

Issued:

Type: Major Design Review

Finalized:

Category: NA

Sub-Type: NA

Parcel Number: 072-0317-003-00

Valuation: \$2,498.15

Job Address: 1608 SANTA CLARA AVE

Work Description: **CODE ENF: 504 SF DWELLING AT REAR OF PROPERTY**

INSPECTIONS

Building: (510) 747-6830 (7:30-9:30 AM) Electrical: (510) 747-6830 (7:30-9:30 AM)
Plumbing & Mechanical: (510) 747-6830 (7:30-9:30 AM) Fire: (510) 337-2120
Design Review: (510) 747-6850

ITEM #	FEE DESCRIPTION	ACCOUNT CODE	UNITS	FEE AMOUNT	PAID
41	2400-Code Enforcement Investigative Fee - T&M (free form)	4540-34410 (3314)	1340	\$1,340.00	\$1,340.00
250	250-Filing Fee (per activity)	4520-37450 (1050)	1	\$39.00	\$39.00
620	620-Records Management Fee	99409-37900 (1464)	3	\$10.20	\$10.20
710	710-Design Review Fees - (Major) Residential - Free Form	4110-37090 (1410)	340	\$340.00	\$340.00
930	930-Other Deposit	001-22310 (1070)	750	\$750.00	\$750.00
930	930-Other Deposit	001-22310 (1070)	141.1	\$141.10	\$141.10
2999	Permit Tracking Fee	4520-33063 (1051)	1	\$18.95	\$18.95

Total Fees: \$2,639.25

RECEIPT #	PAYMENT METHOD	CHECK #	COMMENTS/PAYEE	RECEIPT DATE	RECEIPT AMT
414846	Check	110	FRANK & MICHELLE MULLIGAN	08/10/2004	\$2,498.15
419333	Check	113	FRANK MULLIGAN	02/18/2005	\$141.10
Total Payments:					\$2,639.25
Balance Due:					\$0.00

appeal paid on 2/18/05

CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-05-05

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA DENYING VARIANCES, V04-0014, AND MAJOR DESIGN REVIEW, DR04-0082 TO LEGALIZE THE CONVERSION OF A DETACHED TWO CAR GARAGE INTO A DWELLING UNIT AT 1608 SANTA CLARA AVENUE.

WHEREAS, an application was made on August 10, 2004, by Peter Braun for property owners, Michelle & Frank Mulligan, for Variance and Major Design Review approval to requests Major Design Review and Variance approval to permit the conversion of an existing garage in to an in-law unit. The applicant is requesting the following Variances:

1. Variance to AMC Subsection 30-4.4(d)(6), for the eight-inch side yard, where five feet is required for the first story and seven feet is required for the second story.
2. Variance to AMC Subsection 30-4.4(d)(7), for the eight-inch rear yard, where twenty feet is required.
3. Variance to AMC Subsection 30-4.4(d)(8), for the approximate 15' separation between the main building and the proposed cottage, where a twenty foot separation is required.
4. Variance to AMC Subsection 30-7.10(a)(2), for not having a landscaped separation between the proposed parking spaces and buildings/property lines, where a three foot landscaped separation is required.
5. Variance to AMC Subsection 30-7.9(f)(1), for the proposed driveway, which is approximately twenty feet wide, where residential driveways are limited to a maximum of ten feet, or sixteen feet if the driveway serves a two car garage located within fifty feet of the street frontage.
6. Variance to AMC Subsection 30-7.10(a)(3), for not having a landscaped separation between the proposed driveway and the property line, where a one foot landscaped separation is required.
7. Variance to AMC Subsection 30-7.6(a)(1), for the proposed three parking spaces, where a minimum of four off-street parking spaces is required for two dwelling units.

WHEREAS, the application was accepted as complete on December 30, 2004; and

WHEREAS, the subject property is designated Medium-Density Residential in the General Plan Diagram; and

WHEREAS, the subject property is located in an R-4, Neighborhood Residential Zoning District; and

WHEREAS, the Planning Board held a public hearing on this application on February 14, 2005 and has examined pertinent maps, drawings, and documents; and

WHEREAS, the Planning Board is unable to make all of the following required findings in order to support approval for the Variances to permit the conversion of the existing garage:

- 1. There are extraordinary circumstances applying to the property relating to the physical constraints of the parcel, such as size, shape, topography, location, or surroundings.**

This finding cannot be made. The property is 5,900 square feet in size and is larger than the standard 5,000 square foot required in this Zoning District. In addition, there are no extraordinary circumstances with respect to the shape, topography, location, surroundings, and as neighboring properties are also developed with a similar site configuration.

- 2. Because of extraordinary circumstances, the literal enforcement of the Zoning Ordinance standards would result in practical difficulty or unnecessary hardship such as to deprive the applicants of a substantial property right possessed by other owners of the property in the same district.**

Staff cannot make this finding. There is no practical difficulty or unnecessary hardship such as to deprive the applicants of a substantial property right possessed by other property owners in the same district, because all of the other residences in this neighborhood are held to the same zoning standards and maintain lots with the same size limitations. The property owner has created a self-imposed hardship by converting a garage into a substandard dwelling unit.

- 3. The granting of the Variance, under the circumstances of the particular case, will not be detrimental to the public welfare or injurious to persons or property in the vicinity.**

This finding cannot be made. The garage was designed and constructed for vehicular parking, and the illegal conversion of the garage into living space has created substandard living conditions that violate safety requirements of the Building Code. The proposal to retain the dwelling unit in the garage structure within the side and rear property lines also has the potential to create increased noise along the south and east side of the yard, which may be injurious to the adjacent and abutting residential properties.

WHEREAS, the Planning Board is unable to make all of the following required findings in order to support approval for the Major Design Review applications to permit the conversion of the existing garage:

- 4. The project will have no significant adverse impacts on the persons or property in the vicinity.**

This finding cannot be made. This finding cannot be made because these listed elements are noted to have adverse effects under the Variance findings. Nonconforming projects cannot be found to be without adverse effects if Variance findings cannot support approval of required Variances.

- 5. The project will be compatible and harmonious with the design and use of the surrounding area.**

This finding cannot be made. Nonconforming projects cannot be found to be compatible and harmonious with the design and use of surrounding properties if Variance findings cannot support approval of required Variances.

6. The project is consistent with the City of Alameda Design Review Guidelines.

This finding cannot be made. These project elements cannot be found to be consistent with the City's Design Review Guidelines unless the Variance process can approve these nonconforming elements.

NOW, THEREFORE, BE IT RESOLVED THAT the Planning Board of the City of Alameda hereby determines that the proposal is Statutorily Exempt under California Environmental Quality Act Guidelines, Section 15270(a).

BE IT FURTHER RESOLVED THAT the Planning Board of the City of Alameda hereby denies the Variance requests V04-0014, and Major Design Review, DR04-00082.

The decision of the Planning Board shall be final unless appealed to the City Council, in writing and within ten (10) days of the decision by completing and submitting an appeal form and paying the required fee.

NOTICE. The Property Owner shall have thirty days (30) from the date of this Resolution to submit revised plans to bring all unauthorized work into conformance either by removing the unauthorized construction or bringing the work into conformance with the regulations of the Alameda Municipal Code, California Building Code.

NOTICE. No judicial proceedings subject to review pursuant to California Code of Civil Procedure Section 1094.5 may be prosecuted more than ninety (90) days following the date of this decision or final action on any appeals plus extensions authorized by California Code of Civil Procedure Section 1094.6.

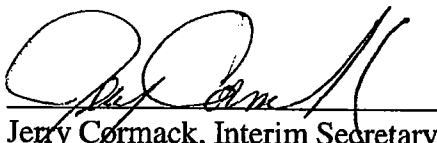
PASSED AND ADOPTED this 14th day of February 2005 by the Planning Board of the City of Alameda by the following vote:

AYES: (5) Piziali, McNamara Cook, Cunningham, Kohlstrand

NOES: (0)

ABSENT: (2) Lynch, Mariani

ATTEST:


Jerry Cormack, Interim Secretary
City Planning Board

8-C. Design Review DR04-0082; Variance V04-0014; Peter Braun for Michele and Frank Mulligan; 1608 Santa Clara Avenue (AT/MG). The project involves Code Enforcement action on an unauthorized conversion of a two car garage in the rear yard into a dwelling unit. The applicants are requesting approval of a Major Design Review and seven variances to legalize the conversion. The variances required to legalize the dwelling unit include:

- a. Variance to AMC Subsection 30-4.4(d)(6), for the eight-inch side yard, where five feet is required for the first story and seven feet is required for the second story.
- b. Variance to AMC Subsection 30-4.4(d)(7), for the eight-inch rear yard, where twenty feet is required.
- c. Variance to AMC Subsection 30-4.4(d)(8), for the approximate 15' separation between the main building and the proposed cottage, where a twenty foot separation is required.
- d. Variance to AMC Subsection 30-7.10(a)(2), for not having a landscaped separation between the proposed parking spaces and buildings/property lines, where a three foot landscaped separation is required.
- e. Variance to AMC Subsection 30-7.9(f)(1), for the proposed driveway, which is approximately twenty feet wide, where residential driveways are limited to a maximum of ten feet.
- f. Variance to AMC Subsection 30-7.10(a)(3), for not having a landscaped separation between the proposed driveway and the property line, where a one foot landscaped separation is required.
- g. Variance to AMC Subsection 30-7.6(a)(1), for the proposed three parking spaces, where a minimum of four off-street parking spaces is required for two dwelling units.

Mr. Valeska summarized the staff report. Staff recommended denial of the Variances and Major Design Review, and recommended that the applicant explore other solutions as part of the Code Enforcement.

The public hearing was opened.

Mr. Frank Mulligan, applicant, detailed the history of this application and stated that he was surprised to find that the cottage was permitted for a garage. He emphasized that the structure was never a garage, and distributed an appraisal form to the Board members. He noted that the cottage was intended to house his mother following surgery, and added that the cottage had always been there. He noted that he intended to appeal any denial.

Mr. Leo Beaulieu, 1430 Paru Street, spoke in opposition to this item. He noted that when his neighbor built the cottage, it was never intended to be a garage; the builder originally called it a workshop.

The public hearing was closed for Board discussion.

Mr. Piziali noted that there were no permits for a house to be built on that site; the permits were for a garage. He did not believe the structure was built with good workmanship, as stated on the appraisal.

President Cunningham advised that the Board must act on the Variances and the findings as they conform to the Alameda Municipal Code.

Ms. Kohlstrand expressed concern about the residential structure not meeting the building code; Mr. Piziali noted that even in 1984, a house could not be built on a zero property line. He emphasized that the Board was severely limited in their ability to help the applicant without making the required findings.

M/S Piziali/ McNamara and unanimous to uphold staff's recommendation to deny the Variance and Major Design Review.

AYES – 5 (Lynch, Mariani absent); NOES – 0; ABSTAIN – 0

CITY OF ALAMEDA RESOLUTION NO. _____

UPHOLDING THE PLANNING BOARD'S DENIAL OF
MAJOR DESIGN REVIEW DR04-0082 AND VARIANCE V04-0014
FOR THE CONVERSION OF AN EXISTING GARAGE INTO A DWELLING UNIT
AT 1608 SANTA CLARA AVENUE

WHEREAS, an application was made on July 9 2004, by Peter Braun for property owners, Michelle & Frank Mulligan, for Variance and Major Design Review approval to permit the conversion of an existing garage in to an in-law unit. The applicant is requesting the following Variances:

1. Variance to AMC Subsection 30-4.4(d)(6), for the eight-inch side yard, where five feet is required for the first story and seven feet is required for the second story.
2. Variance to AMC Subsection 30-4.4(d)(7), for the eight-inch rear yard, where twenty feet is required.
3. Variance to AMC Subsection 30-4.4(d)(8), for the approximate 15' separation between the main building and the proposed cottage, where a twenty foot separation is required.
4. Variance to AMC Subsection 30-7.10(a)(2), for not having a landscaped separation between the proposed parking spaces and buildings/property lines, where a three foot landscaped separation is required.
5. Variance to AMC Subsection 30-7.9(f)(1), for the proposed driveway, which is approximately twenty feet wide, where residential driveways are limited to a maximum of ten feet, or sixteen feet if the driveway serves a two car garage located within fifty feet of the street frontage.
6. Variance to AMC Subsection 30-7.10(a)(3), for not having a landscaped separation between the proposed driveway and the property line, where a one foot landscaped separation is required.
7. Variance to AMC Subsection 30-7.6(a)(1), for the proposed three parking spaces, where a minimum of four off-street parking spaces is required for two dwelling units.

WHEREAS, the subject property is designated Medium-Density Residential in the General Plan Diagram; and

WHEREAS, the subject property is located in an R-4, Neighborhood Residential Zoning District; and

WHEREAS, the Planning Board held a public hearing on this application on February 14, 2005 and examined pertinent maps, drawings, and documents and denied the application; and

WHEREAS, on March 15, 2005 the City Council of the City of Alameda held a public hearing for the appeal of the Planning Board's prior denial and examined pertinent documents as well as the record of the Planning Board hearing; and

**Resolution #5-B
3-15-05**

Approved as to Form

CITY ATTORNEY

WHEREAS, the City Council makes the following findings:

Variances

1. **There are extraordinary circumstances applying to the property relating to the physical constraints of the parcel, such as size, shape, topography, location or surroundings.**

This finding cannot be made. The lot is nonconforming in width, however, this does not represent an extraordinary circumstance of physical constraint since the lot size (5,900 square feet) and the configuration is not unique in this neighborhood or Alameda in general. In addition, the lot is large enough in size and is configured in such a way that a detached garage could be designed to be fully compliant with AMC standards.

2. **Because of extraordinary circumstances, the literal enforcement of the Zoning Ordinance standards would result in practical difficulty or unnecessary hardship such as to deprive the applicants of a substantial property right possessed by other owners of the property in the same district.**

Staff cannot make this finding. There is no practical difficulty or unnecessary hardship such as to deprive the applicants of a substantial property right possessed by other owners of the property in the same district because other residences in this neighborhood are held to the same zoning standards and maintain lots with the same size limitations and advantages. The property owner has created a self-imposed hardship by constructing a non-conforming accessory structure that extends up to the side and rear property lines.

3. **The granting of the Variance, under the circumstances of the particular case, will not be detrimental to the public welfare or injurious to persons or property in the vicinity.**

This finding cannot be made. The proposal to retain the already constructed accessory structure within the side and rear property lines has the potential to create increased traffic and noise along the south and east side of the yard, which may be injurious to the adjacent and abutting residential properties located to the south and the east.

WHEREAS, the City Council is unable to make the findings with respect to the appellants bases of appeal and relative to the Major Design Review application because the conversion of the existing garage addition has the potential to cause adverse effects to surrounding properties under the Variance findings; and therefore, the project proposal cannot be found to be compatible and harmonious with the design and use of surrounding properties. However, the project could be redesigned to meet AMC standards and be consistent with the City's Design Guidelines. If the project were redesigned, findings could be made to support the Design Review.

NOW, THEREFORE BE IT RESOLVED that the City Council finds that the project is Categorically Exempt from the California Environmental Quality Act, under Section 15301 of the CEQA Guidelines - Existing Facilities.

BE IT FURTHER RESOLVED that the City Council denies the appeal and upholds the Planning Board's denial of Major Design Review DR04-0082 and Variance V04-0014 to permit the conversion of an existing detached garage to be used as a dwelling unit.

NOTICE. No judicial proceedings subject to review pursuant to California Code of Civil Procedure Section 1094.5 may be prosecuted more than ninety (90) days following the date of this decision or final action on any appeals plus extensions authorized by California Code of Civil Procedure Section 1094.6.

* * * * *

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the _____ day of _____, 2005, by the following vote to wit:

AYES

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this _____ day of _____, 2005.

Lara Weisiger, City Clerk
City of Alameda

CITY OF ALAMEDA

MEMORANDUM

To: Honorable Mayor and
Members of the City Council

From: William C. Norton
Interim City Manager

Date: March 4, 2005

Re: Recommendation that the City Council Adopt an Ordinance to Establish a Theater
Combining District in Chapter XXX, Development Regulations, and to Rezone
Certain Properties in the Theater Overlay District Designation

BACKGROUND

The City of Alameda Economic Development Strategic Plan (EDSP) defined the City's long-term economic development goals. Strategy #4 of the EDSP established the goal to "create recreational and entertainment facilities that serve residents and employees of local firms as well as business and tourist visitors to the Community." It also specified, as part of its Implementation Plan, "Support Downtown as a prime location for theatre facilities."¹

Similar City policy was also expressed last year with the approval of the Citywide Retail Policy. Main Street Policy #2 directed the City to continue to "support and promote Park Street as Alameda's downtown" and "as the entertainment, cultural, social, and political center of the City."

At the meeting of February 1, 2005, the City Council directed the establishment of a Theatre Combining District and associate reclassification of Downtown properties in order to implement this EDSP strategy.

DISCUSSION/ANALYSIS

The Community Improvement Commission (CIC) is proceeding to begin consideration of the development of a new multiplex theater in the Downtown. To support the public and private investment being contemplated by this project, the City Council is requested to adopt an ordinance to establish a Theater Overlay District and rezone certain properties in the Theatre Overlay District designation. At the meeting of February 28, 2005, the Planning Board recommended approval of the Zoning Text Amendment and Rezoning.

¹ City of Alameda Economic Development Strategic Plan, by Applied Development Economics for City of Alameda Economic Development Strategic Plan Task Force, Economic Development Commission, July, 2000, p. 20.

This action will broaden and continue economic revitalization of the City — particularly the Park Street Historic Commercial District — by limiting the construction of new, multi-screen movie theater development, by encouraging the re-use of underutilized retail facilities, and by acting as a catalyst for development in the Park Street Historic Commercial District. A combining district would maintain the existing properties' underlying C-C (Community Commercial) zoning designation, but provide flexibility in terms of development standards for signage for multi-plex theaters.

The properties to be rezoned include all of the area reclassified to the C-C (Community Commercial) zoning designation, including the Alameda Theater, which is presently zoned C-C-PD (Community Commercial- Planned Development). The Planned Development overlay would be removed since it was placed on the property in order to permit a sign program. A specialized sign program has instead been incorporated into the new Theater Overlay District.

BUDGET/FINANCIAL IMPACT

There is no direct impact on the General Fund to adopt an ordinance establishing a Theater Overlay District. However, it is anticipated that it would have a positive effect on the general welfare of the community because it will help the community to meet its economic goals of having a vibrant downtown environment.

RECOMMENDATION

It is recommended that the City Council adopt an ordinance to establish a Theater Overlay District in Chapter XXX, Development Regulations, and to consider rezoning portions of the Park Street Historic Commercial District with the Theater Overlay District.

Dedicated to Excellence, Committed to Service

Respectfully submitted,



Leslie A. Little
Development Services Director



By: Dorene E. Soto
Manager, Business Development Division



Eric Fonstein
Management Analyst

WCN/LAL/DES/EF:rv

cc: Robb Ratto, Park Street Business Association
Teresa L. Highsmith, Assistant City Attorney

Dedicated to Excellence, Committed to Service

CITY OF ALAMEDA ORDINANCE NO. ____

New Series

AMENDING THE ALAMEDA MUNICIPAL CODE BY AMENDING SECTION 30-2 (DEFINITIONS); AMENDING SUBSECTION 30-3.2 (COMBINING DISTRICTS); ADDING A NEW SUBSECTION 30-4.22 (T-THEATRE COMBINING DISTRICT); AND RECLASSIFYING AND REZONING CERTAIN PROPERTIES WITHIN THE CITY OF ALAMEDA TO INCLUDE THE THEATRE COMBINING DISTRICT.

BE IT ORDAINED by the City Council of the City of Alameda that:

Section 1. Subsection 30-2(b) of the Alameda Municipal Code is hereby amended to include the following additional definitions in the appropriate places in the alphabetical structure of that Subsection:

"Multiple screen theatre" is a theatre designed for the exhibition of movies that contains two or more auditoriums or separate rooms for the display of movies.

"Theatre" includes movie and live theatres and other structures designed for public exhibitions but, as to movie theatres, does not include a multiple screen theatre.

Section 2. Subsection 30-3.2 of the Alameda Municipal Code is hereby amended to include the following additional combining district at the end of that subsection:

"T Theatre overlying combining.

Section 3. Section 30-4 of the Alameda Municipal Code is hereby amended to add a subsection 30-4.22 as follows:

Subsection 30-4.22 T, Theatre Combining District.

- a. *General.* The following regulations shall apply in all districts which are combined T Districts and uses of land in such combined districts shall be subject to the provisions of Section 30-4; provided, however, that wherever conflict in regulations occurs, the regulations of this subsection shall govern.
- b. *Uses Permitted.* All uses permitted in the respective district with which the T District is combined.
- c. *Uses Requiring Use Permits.* It is the intent of this paragraph that the following uses shall be reviewed by the Planning Board for the appropriateness in a

Approved as to Form
CITY ATTORNEY

specific location, or for such other factors as safety, congestion, noise, and similar considerations

1. Auditoria,
2. Multiple-screen theaters
3. Theaters, both movie and live,
4. Other places of public assembly,
5. All uses permitted pursuant to a Use Permit in the respective district with which the T District is combined.

d. *Special Parking Requirements.* In addition to the findings in Section 30-21.3, the Planning Board may authorize the issuance of a Use Permit only if the proposed parking (i) is adequate to serve the use's peak parking demand as estimated by a study satisfactory to the Planning and Building Director and (ii) complies with all other applicable provisions of section 30-7 of this chapter.

e. *Special Signage Requirements.* Every use permitted under paragraph c. of this subsection may include signs provided that individual standards shall be established for each project in conjunction with the approval required by paragraph c. Requirements for similar uses discussed in this article shall serve as guidelines. All signs, temporary and permanent, shall be approved by the Planning and Building Director pursuant to a coordinated signing program for each project. The program shall coordinate:

- (i) Location, number, size and mode of display.
- (ii) Colors, materials and illumination.
- (iii) Temporary signs: duration of use.

Section 4. Zoning Map Amendment. Section 116 of Ordinance 1277, N.S. is hereby amended by reclassifying and rezoning from C-C (Community Commercial) and C-C-PD (Community Commercial – Planned Development) to C-C-T (Community Commercial - Theater) all the real property situated within the City of Alameda, County of Alameda, State of California, as depicted on Exhibit "A" to this ordinance.

Section 5. The above amendment shall be known as and referenced to as Reclassification and Rezoning Amendment No. 196 to Ordinance No. 1277 N.S.

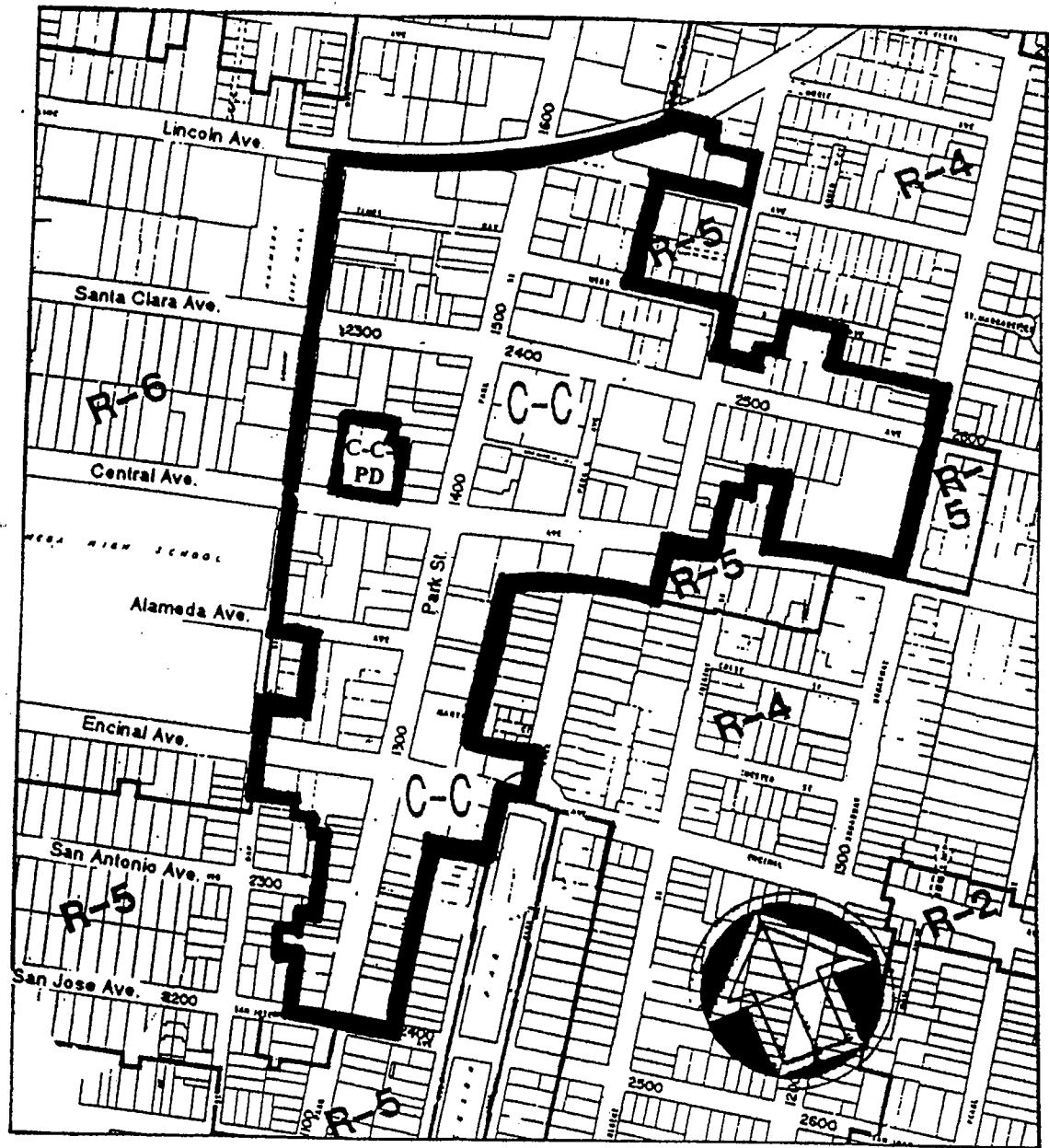
Section 6. Severability. Should any provision of this Ordinance or its application to any person or property be found by a court of competent jurisdiction to be invalid or unenforceable, the remaining provisions hereof shall be enforceable according to their terms and to that end the provisions of this Ordinance are severable.

Section 7. Construction. To the extent the provisions of the Alameda Municipal Code as amended by this Ordinance are substantially the same as the previous provisions of that Code, they shall be construed as continuations of those previous provisions and not as new enactments.

Section 8. Effective Date. This Ordinance shall be in full force and effect from and after the expiration of thirty (30) days from the date of its final passage.

* * * * *

Rezoning of the Park Street Business District to C-C



I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by Council of the City of Alameda in regular meeting assembled on the _____ day of _____, 2005, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this _____ day of _____, 2005.

Lara Weisiger, City Clerk
City of Alameda

City of Alameda

Memorandum

Date: February 16, 2005

To: Honorable Mayor and
Councilmembers

From: William C. Norton
Interim City Manager

Re: **ZA04-0001 Zoning Ordinance Text Amendments/City-wide.** Review and
revision of Section 30-6 of the Alameda Municipal Code (AMC), Sign Regulations.

BACKGROUND

The Executive Directors of the Park Street Business Association (PSBA) and the West Alameda Business Association (WABA) have requested enforcement of signage regulations within each of their districts. In particular, PSBA and WABA have identified the proliferation of window signage as a deterrent to achieving the goals of the visioning process and Main Street Program for each of these commercial areas. City staff reviewed the current sign regulations with the Executive Directors and it was determined that members of PSBA, WABA and City staff should meet to clarify various sections of the code to achieve internal consistency and the enforcement goals of the two organizations. The ad hoc committee reviewed Section 30-6 and suggested revisions as depicted in the attached draft ordinance. The Executive Director of the Greater Alameda Business Association (GABA) was also informed of the efforts of the committee and copies of draft ordinance revisions were provided for their review and comment.

DISCUSSION/ANALYSIS

The attached draft ordinance incorporates shading to identify where changes are proposed, strike-out where language is being eliminated and bold typeface where new language is inserted. Many of the sections of the code were relocated to clarify the current and proposed regulations. The primary focus of the proposed amendments is to clarify regulations for window and temporary signs. If adopted, these amendments will provide clarity to strengthen the anticipated code compliance process to enforce the provisions of the Sign Ordinance. Specific sections where most of the amendments are proposed are:

30-2: Definition of Sign clarified.

30-6.1: Establishes the Purpose and Intent of this section of the Code.

30-6.2: Definitions within the Sign Regulations section of the Code define
promotional signs, temporary signs, window display and window signs.

30-6.3: General Requirements establishes regulations for all on-premise signs.

Dedicated to Excellence, Committed to Service

**Re: Public Hearing and
Intro of Ordinance #5-D
3-15-05**

Section (a) clarifies that a sign permit is required for all signs.

Section (b) retains the current limit of two signs exclusive of directional signs and window signs.

Section (c) stipulates maximum sign area allowed.

30-6.4: Requirements for window signs are included in subsection (c). PSBA and WABA have recommended window signage be limited to no more than 25% of the area of any one (1) window.

30-6.8: Distinguishes between the various types of temporary signs.

The Planning Board reviewed the draft ordinance revisions and recommended approval of the ordinance as drafted.

BUDGET CONSIDERATION/FINANCIAL IMPACT

There will be no direct impact to the Planning & Building Department Budget. The draft code amendments should result in a more streamlined development review process which may result in cost savings to the customer and/or property owner.

RECOMMENDATION

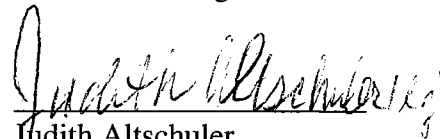
The Planning Board recommends that the City Council hold a public hearing, consider all pertinent testimony and information, then approve and give first reading to the recommended ordinance revising Section 30-6 of the AMC, Sign Regulations. Adoption of the ordinance will be scheduled for the next City Council meeting.

Respectfully submitted,



Jerry L. Cormack
Interim Planning Director

By:



Judith Altschuler
Supervising Planner

Attachments: January 10, 2005 Planning Board Staff Report
January 10, 2005 Planning Board minutes

Cc: PSBA
WABA
GABA

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**CITY OF ALAMEDA
PLANNING DEPARTMENT**

STAFF REPORT

ITEM NO.: **9-B**

APPLICATION: **ZA04-0001 Zoning Ordinance Text Amendments/City-wide.** Review and revision of Section 30-6 of the Alameda Municipal Code (AMC), Sign Regulations.

GENERAL PLAN: City-wide amendment

ENVIRONMENTAL DETERMINATION: Exempt from State CEQA Guidelines, Section 15060.

STAFF PLANNER: Jerry Cormack, Development Review Manager
Judith Altschuler, Supervising Planner

RECOMMENDATION: Recommend to the City Council approval of the proposed Zoning Ordinance Text Amendments.

ACRONYMS: AMC – Alameda Municipal Code
CBC – California Building Code

ATTACHMENT: 1. Draft Zoning Ordinance Text Amendments

I. PROPOSAL SUMMARY

This hearing is scheduled for review of amendments to Section 30-6 of the AMC, Sign Regulations. The purpose of the amendments is to clarify current regulations and establish internal consistency with various sections of the AMC with the primary focus on regulations pertaining to Window Signs.

II. BACKGROUND

The Executive Directors of the Park Street Business Association (PSBA) and the West Alameda Business Association (WABA) have requested enforcement of signage regulations within each of their districts. In particular, PSBA and WABA have identified the proliferation of window signage as a deterrent to achieving the goals of the visioning process and Main Street Program for each of these commercial areas. City staff reviewed the current sign regulations with the Executive Directors and it was determined that members of PSBA, WABA and

City staff should meet to clarify various sections of the code to achieve internal consistency and the enforcement goals of the two organizations. The ad hoc committee reviewed Section 30-6 and suggested revisions as depicted in the attached draft ordinance. The Executive Director of the Greater Alameda Business Association (GABA) was also informed of the efforts of the committee and copies of draft ordinance revisions were provided for their review and comment.

III. DETAILED PROJECT DESCRIPTION

The attached draft ordinance incorporates shading to identify where changes are proposed, strike-out where language is being eliminated and bold typeface where new language is inserted. Many of the sections of the code were relocated to clarify the current and proposed regulations. The primary focus of the proposed amendments is to clarify regulations for window and temporary signs. If adopted, these amendments will provide clarity to strengthen the anticipated code compliance process to enforce the provisions of the Sign Ordinance. Specific sections where most of the amendments are proposed are:

30-2: Definition of Sign clarified.

30-6.1: Establishes the Purpose and Intent of this section of the Code.

30-6.2: Definitions within the Sign Regulations section of the Code define promotional signs, temporary signs, window display and window signs.

30-6.3: General Requirements establishes regulations for all on-premise signs.

Section (a) clarifies that a sign permit is required for all signs.

Section (b) retains the current limit of two signs exclusive of directional signs and window signs.

Section (c) stipulates maximum sign area allowed.

30-6.4: Requirements for window signs are included in subsection (c). PSBA and

WABA have recommended window signage be limited to no more than

25% of the area of any one (1) window.

30-6.8: Distinguishes between the various types of temporary signs.

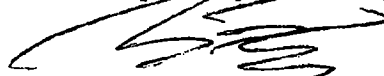
IV. ENVIRONMENTAL REVIEW

Staff has determined that the proposed zoning ordinance text amendments are exempt from CEQA pursuant to Section 15060 which exempts projects which will not result in a direct or reasonably foreseeable indirect physical change in the environment.

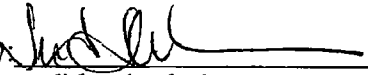
V. RECOMMENDATION

Staff recommends that the Planning Board hold a public hearing, consider all pertinent testimony and information, then act to recommend to the City Council approval of the proposed Zoning Ordinance Text Amendments for Section 30-6 of the AMC, Sign Regulations.

Respectfully submitted,



Gregory L. Fuz
Planning and Building Director

By 

Judith Altschuler
Supervising Planner

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SIGNS

[DRAFT OF PROPOSED TEXT CHANGES, [January 10, 2005]

30-2 DEFINITIONS

- ~~Outdoor advertising~~ Sign shall mean any object, device, display, or structure, or part thereof, situated either outdoors, or indoors in such a manner as to be primarily viewed from the outside, which is used to advertise, identify, display, direct, or attract attention to a business, organization, institution, service, event, object, product or location by any means including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. The term "sign" shall include any structure which is erected or used for sign purposes, upon which the sign is placed including sign statuary, or which was once used for signage. sign or device of any kind or character whatsoever, designed to advertise or attract attention to any product or enterprise placed for outdoor advertising purposes; on the ground, on any tree, wall, bush, rock, post, fence, building, structure, or thing whatsoever. The term *placed* as used in the definitions of "outdoor advertising" and "outdoor advertising structure" shall mean and include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing or to make visible in any manner whatsoever.
- ~~Outdoor advertising structure~~ shall mean any structure of any kind or character erected, maintained or used for outdoor advertising purposes, upon which any outdoor advertising is or may be placed, including also outdoor advertising statuary.

Attachment #1

30-6 SIGN REGULATIONS

Sub-sections (proposed)

- 30-6.1 In General; On-Premises and Off-Premises Signs.
- 30-6.2 Definitions
- 30-6.3 General Requirements on On-Premises Signs
 - a.1. Permit Required for all On-premise Signs
- 30-6.4 Requirements by Sign Type
- ~~30-6.5 30-6.18 Variances *Limited to Certain Provisions of Sign Regulations*~~
- 30-6.6 Illumination of Signs
- ~~30-6.7 30-6.15 Signs Exempt~~
- ~~30-6.8 Temporary Signs~~
- ~~30-6.9 30-6.5 Prohibited Signs~~
- ~~30-6.10 30-6.5 Abatement of Nonconforming On-Premises Signs~~
- ~~30-6.11 30-6.14 Removal of Nonconforming Signs~~
- ~~30-6.12 30-6.18 Special Requirements for Auto Dealers within Auto Row~~
- ~~30-6.13 30-6.9 Off Premises Signs – General Regulations~~ Regulations of Off Premises Outdoor Advertising Signs
- ~~30-6.14 30-6.10 Off Premises Directional Signs~~
- ~~30-6.15 30-6.12 Off Premises Signs – Abatement Schedule~~ Abatement Schedule for Off-Premises Signs
- 30-6.16 Conflicts with other Provisions

Sub-sections (existing)

- 30-6.1 In General; On-Premises and Off-Premises Signs.
- 30-6.2 Definitions
- 30-6.3 General Requirements on On-Premises Signs
- 30-6.4 Requirements by Sign Type
- 30-6.5 Prohibited Signs [relocated to 30-6.9]
- 30-6.6 Illumination of Signs
- ~~30-6.7 Required Permits for Signs~~[relocated to 30-6.3.1.a. – no longer a separate sub-section]
- ~~30-6.8 Regulation and Abatement of Outdoor Advertising Display Signs~~ [deleted]
- 30-6.9 Regulation of Off-Premises Outdoor Advertising Signs [relocated to 30-6.13]
- 30-6.10 Off Premises Directional Signs [relocated to 30-6.14]
- ~~30-6.11 Abatement of Nonconforming Signs~~ [deleted]
- 30-6.12 Abatement Schedule for Off-Premises Signs [relocated to 30-6.15]
- 30-6.13 Abatement of Nonconforming on-Premises Signs [relocated to 30-6.10]
- 30-6.14 Removal of Nonconforming Signs [relocated to 30-6.11]
- 30-6.15 Signs Exempt [relocated to 30-6.7 & 8]
- 30-6.16 Conflict with Other Provisions
- 30-6.17 Special Requirements for Auto Row [relocated to 30-6.12]
- 30-6.18 Variances [relocated to 30-6.5]

30-6.1 In General; On-Premises and Off-Premises Signs.

- a. **General Regulation.** "Outdoor Advertising" Signs as defined in Section 30-2, ~~are further defined in subsection 30-6.2, and are permitted in all zoning districts, but~~ and as further defined hereinafter, and as erected in all districts, shall be designed, erected, altered, moved, removed, or maintained in whole or in part in accordance with the following schedule and regulations ~~prescribed in this Section.~~
- b. **Purpose.** ~~The purpose of this Section is to provide standards to safeguard life, health, property and public welfare by regulating and controlling the design, quality of materials, location, installation and maintenance of all forms of outdoor advertising, as defined in Section 30-2. The City finds that signs are important to the economic life and welfare of the City. However, when placed in an improper manner or used to an excessive extent, signs may be detrimental to the public safety and welfare. The public interest, conservation of property values, encouragement of orderly city development, aesthetic values and protection of the public health, safety and welfare therefore require that the use of signs be regulated.~~
- c. **Intent.** ~~The objectives of the regulations in this Section are to:~~
- ~~1. Enhance the appearance and economic value of the community by regulating the quantity, size, type, location, design and maintenance of signs;~~
 - ~~2. Encourage signs which are compatible with adjacent land uses;~~
 - ~~3. Encourage a high quality design with a minimum of clutter;~~
 - ~~4. Encourage signs which are well designed and pleasing in appearance;~~
 - ~~5. Provide a reasonable and constitutional system of sign control;~~
 - ~~6. Conveniently direct persons to various activities and enterprises in the city;~~
 - ~~7. Reduce traffic and safety hazards through proper location and design of signs; and~~
 - ~~8. Prevent uncontrolled sign competition which is costly to business and visually unattractive to the community.~~

30-6.2 Definitions

- a. [recommend that text be deleted, as issue of "on-premise" sign as "off-premise" sign, due to separate ownership of sign, is no longer relevant) A sign which identifies a use, facility, service or product which is located, sold or manufactured on the same premises as the sign shall be included under the definition for "off premises sign" in paragraph b. of this subsection where the sign is owned and maintained by an entity other than the entity which owns and maintains the premises to which the sign is attached unless the sign identifies, for the entire length of the abatement period set out in subsection 30-6.11 the facility, a use, service or product by a brand name which is sold or manufactured on the premises and constitutes the principal item for sale or manufacture on the premises.

b. As used in this section:

- *Abandoned sign* shall mean a sign, ~~or part of a sign, or any structure that does or once had supported a sign,~~ which ~~has not, for a period over 30 days, displayed the identity of~~ no longer advertises a business, lessor, owner, product, service or activity on the premises where the sign ~~and/or structure is located~~ displayed.
- *Affiliation sign* shall mean any sign whose sole purpose is to identify membership in an association of businesses, such as credit card companies, association membership, trading stamps.
- ~~Automobile dealer~~ *Auto Dealership* shall mean an establishment whose principal activity is the sale of new or used motor vehicles.
- *Auto row* shall mean the parcels fronting on both sides of Park Street between the Park Street Bridge on the north and the north side of Lincoln Avenue on the south, including adjacent parcels contiguous to ones with frontage on Park Street under ownership or lease to auto dealers, and including adjacent portions of Blanding Avenue, Buena Vista Avenue, Pacific Avenue, Tilden Way and Lincoln Avenue which abut parcels under ownership or lease to auto dealers.
- *Awning* shall mean a hood or cover which projects from a wall of a building ~~over a window or door,~~ ~~which is primarily intended to provide shade and shelter, and~~ which is typically made of canvas or aluminum or similar materials, and may be fixed in place or retractable.
- *Balloon* shall mean an ~~inflated~~ airtight bag that ~~will rise and fall when~~ is filled with hot air or a gas lighter than air.
- *Banner* shall mean a sign not made of rigid material either enclosed or not enclosed in a rigid frame, which is ~~temporarily~~ mounted ~~or attached to either poles, trees or buildings,~~ and may be placed so as to allow movement of the sign by the wind.
- *Borderless sign* shall mean a sign composed of parts of a message without a single border enclosing any of the parts.
- *Building frontage* shall mean that ~~the~~ portion of ~~an~~ the exterior building wall of a place of business which is both adjacent to and parallel to ~~faces~~ a public street, walkway or parking lot. When separated by interior walls, more than one (1) kind of business may be considered a separate place of business although operated within the same building by the same owner.
- *Bulletin Board sign* shall mean a sign used to display announcements relative to a public, charitable, religious or fraternal institution.
- *Business* shall mean a profit-making ~~an~~ organization involved in the provision of goods or services, including transitory residential uses such as motels and hotels but excluding multiple residential uses.

- *Business complex* shall mean five (5) or more businesses located on one (1) or more parcels of land sharing common pedestrian or vehicular access or parking facilities.
- *Business park* shall mean industrial or commercial development in all industrial, manufacturing zones designated in part by the letter M, which contain at least five (5) different businesses with a combined gross floor area of at least fifty thousand (50,000) square feet.
- *Commemorative plaques* shall mean memorial signs and tablets, building name and erection date, symbols and similar emblems that are a permanent design element of a building or other structure.
- *Construction sign* shall mean a sign which identifies the persons, firms or businesses directly connected with a construction project.
- *Dilapidated sign* shall mean a sign that is no longer in a good state of repair, and is not visually attractive and functional, or has become a health or safety hazard.
- *Directional sign* shall mean an on-site sign which is designed and erected solely for the purposes of directing vehicular and pedestrian traffic within a project. Such a sign shall contain no advertising copy.
- *District* shall mean any zoning district designated in the zoning regulations of the City.
- *Directory sign* shall mean an identification sign listing the tenants of a building, complex or ~~multi-tenant space, the bulletin board used to display announcements relative to a public, charitable, religious or fraternal institution.~~ **Directory signs shall not include any logos or advertising.**
- *Double-faced sign* shall mean a sign constructed to display its message on the outer surfaces of two (2) identical and/or opposite parallel planes.
- *Exterior display wall* shall mean a colonnade or a wall with openings designed as an architectural feature at the front edge of an automobile dealership's display lot, designed to provide continuity with adjacent buildings and to improve appearance at the sidewalk.
- *Externally illuminated* shall mean illumination by a light source located outside of and not attached to the surface of the sign. Illuminated tubing and strings of lights outlining portions of buildings shall be considered externally illuminated signs.
- *Erected* shall mean attached, altered, built, constructed, reconstructed, enclosed or moved, and shall include the painting of wall signs.
- *Face of sign* shall mean the entire surface of a sign upon which copy can be placed.
- *Flag* shall mean any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol.
- *Flashing sign* shall mean any sign which is perceived as an intermittent or flashing light. ~~Time and temperature signs shall be excluded from this category.~~
- *Fraternal organization* shall mean a group of people associated or formally organized for a common purpose, interest or pleasure, which shall include lodges, social halls, and union halls.

- *Freestanding sign* shall mean a sign fixed in an upright position on the ground not attached to a building or any structure other than a framework or device, erected primarily to support the sign.
- *Fundraising event campaign sign* shall mean a temporary sign announcing a fundraising campaign drive or event of a civic, philanthropic, educational or religious organization. Political campaign signs are not included under this category.
- *Garage sale sign* shall mean a sign with a message advertising the resale of personal property that has been used by the resident.
- *Governmental buildings*. For the purpose of this article, shall mean and include: City, offices, Fire Department, and all County, State and Federal buildings.
- *Grand opening sign* shall mean a temporary sign or banner erected one (1) time only for a limited period of time to announce the opening of a new business.
- *Height* shall mean the vertical distance from the uppermost point used in measuring the area of a sign to the ground immediately below such point or the level of the upper surface of the nearest curb of the street upon which the sign fronts, whichever measurement is the greatest.
- *Historic sign* shall mean any signs that have been determined by the Historic Advisory Board to have historic merit.
- *Identification sign* shall mean a sign which serves to tell only the name, address, business and/or profession of the occupant, or use of the building upon which the sign is located, and which may include an emblem, insignia or logo.
- *Illegal sign* shall mean a sign erected in violation of the laws in effect at that time, and not in conformance with the regulations of the Alameda Municipal Code at the time of adoption of this article.
- *Informational sign* shall mean any sign which is designed and erected solely for the purpose of communicating information for the safety or convenience of the public, such as telephone, danger, rest rooms.
- *Institutional uses* shall mean uses such as schools, churches, fraternal organizations, community, governmental, and public recreational facilities, hospitals and convalescent homes.
- *Internally illuminated* shall mean a sign whose light source is located in the interior of the sign so that the rays go through the face of the sign. , or light source which is attached to the face of the sign and is perceived as a design element of the sign.
- *Light source* shall mean a bulb or tube from which light is emitted when it is activated, including but not limited to incandescent filament bulb, electric discharge bulb, neon tube, and fluorescent tube.
- *Marquee* shall mean a permanent roof-like structure extending over the entrance to a building, attached to and supported by the building or freestanding and self supporting.

- *~~Menu reader board shall mean any sign intended to provide information to patrons while using a drive-through facility.~~*
- *~~Menu, window sample shall mean a copy of a restaurant's regular tableside or take out menu(s), placed in the window for the intent of allowing pedestrians to view such information as the restaurant's food items, hours of availability and prices.~~*
- *Moving sign shall mean a sign which has any actual or apparent moving parts, activated in any way by mechanical or electrical devices or by wind currents. Signs which change or appear to change color or intensity of lighting shall be included.*
~~but time and temperature devices shall be excluded.~~
- *Multiple-faced sign shall mean a sign constructed to display its message on a curbed surface or on two (2) or more planar surfaces.*
- *Nonconforming sign shall mean any advertising structure or sign which was lawfully erected and maintained prior to the adoption of this article, and which has subsequently come under the requirements of this article, with which it does not completely comply.*
- *Nonilluminated shall mean neither directly nor indirectly lighted and containing no material that is made for the purpose of being reflective or fluorescent.*
- *Official sign shall mean a sign or signs required by governmental body to discharge its legally required function.*
- *Off-premises directional sign shall mean a sign identifying a publicly owned facility, emergency facility, tenants within a business park, temporary subdivision signs, which are no greater than thirty (30) square feet in area. Such facilities and business parks may have no more than two off-premises directional signs. Real estate signs are not included in this definition.*
- *Off-premises sign shall mean any sign identifying a use, facility, service or product which is not located, sold, or manufactured on the same premises as the sign or which identifies a use, service or product by a brand name which, although sold or manufactured on the premises, does not constitute the principal item for sale or manufactured on the premises.*
- *On-premises sign shall mean any sign identifying a use, facility, service or product which is located, sold, or manufactured on the same premises as the sign.*
- *Parking lot shall mean an area of land which is accessible and usable for the off-street parking of motor vehicles, except for land designated for product display by new and used automobile dealers.*
- *Pennant shall mean a long, narrow, usually triangular flag.*
- *Permanent sign shall mean any sign for which a sign permit is issued with no time limit in accordance with the provisions of this article. Any mention of signs in this Article shall be considered to mean permanent signs unless there is a specified time limit or reference to temporary (e.g., promotional) signs.*

- *Political ~~campaign~~ sign* shall mean a sign designed for the purpose of advertising support of or opposition to a candidate or proposition for a public election.
- *Portable freestanding sign* shall mean a sign that is designed to be movable and is not structurally attached to the ground, a building, structure, or any other sign. Included are signs built in the configuration of an "A" or an "I" frame, and signs mounted on rollers or slides.
- *Privilege sign* shall mean a standardized sign supplied at nominal cost or free to a retailer where a portion of the sign face identifies the products of a regional or national distributor or manufacturer available only incidentally on the premises, and a portion of the sign identifies the local retailer. Signs identifying the primary commodity, service or activity available on the premises, such as signs for auto dealerships, gasoline stations and chain stores and businesses, shall not be included in this category.
- *~~Promotional sign shall mean any temporary sign or device (other than permanent signs used to identify the business' or organization's name) used for advertising, examples of which include but is not limited to the promotion of limited time offers of gifts, products or sale prices.~~*
- *Projecting sign* shall mean any sign which is suspended from or supported by a building or wall and which projects outward therefrom. Signs suspended under a porch or permanent walkway covering shall be included.
- *Real estate sign* shall mean a ~~type of temporary~~ sign indicating that a property or any portion thereof is open for inspection, for sale, for rent, or otherwise available or directing people to such a property. Temporary subdivision signs are not included under this definition.
- *Recreational facilities* for the purposes of this article, shall mean and include public parks, and facilities for physical recreation such as golf, tennis, swimming and boating.
- *Reflective sign* shall mean a sign which is not electrically illuminated, but which responds to light, such as from passing auto headlights by shining or glowing.
- *Roof sign* shall mean any sign erected upon or above the roof or parapet of any building, including any porch, marquee, walkway covering, or similar roof like structure.
- *Seasonal decorations* shall mean temporarily erected greetings, ornamentation and displays that relate to ~~an established and recognized~~ a historic holiday, such as July 4 or Christmas, which contain no advertising.
- *Seasonal sales sign* shall mean a temporary sign or banner erected for a limited period of time to ~~identify a~~ advertise a special sale or seasonal business such as Christmas tree lots.
- *Sign structure* shall mean any device whose primary function is to support a sign.
- *Single-faced sign* shall mean a sign constructed so that its message is displayed on a single plane, and is viewable from only one (1) side of the plane.

- *Streamer* shall mean **any** a-long, ribbon-like flag or banner *that relies on wind motion to attract attention*.
- *Subdivision sign* shall mean a sign containing the name, location, or directions to a builder, developer, and pertinent information about a subdivision for which there is a properly approved and recorded map, and in which homes or units in a building remain to be constructed, completed or initially sold.
- *Temporary sign* shall mean any sign ~~which is intended to be displayed for a limited period of time, which shall include signs painted on windows, paper and poster board or~~ **advertising display, including all forms of “promotional signs” as defined by this Section, which is typically but not necessarily either made of paper, poster board, cardboard, cloth, canvas, fabric, plywood or other light materials, or painted directly onto windows, and is designed or intended to be displayed for a short period of time.**
- *Vehicular sign* shall mean a vehicle which has a sign mounted or painted thereon which is used primarily as the sign structure and not as a vehicle.
- *Wall sign* shall mean any **outward-facing** sign affixed to a building or fence, at no point projecting more than six (6”) inches horizontally from the surface upon which it is attached.
- *Window display* shall mean **any collection of merchandise or artifacts, arranged in a 3-dimensional display behind a window, typically intended to provide pedestrians with a visual display of the items available for sale. The term “window display” excludes “window sign” as defined by this Section, but may include incidental price labels on the items being displayed.**
- *Window sign* shall mean any sign: (a) painted on, ~~or~~ affixed to, **or placed adjacent to**, a window, **door or opening** or located inside within a distance **of 3’ or less from** ~~equal to the greatest dimension of the~~ a window, door or opening, or any sign located behind a **window or door or within an opening (width or height)** ; and (b) designed to be viewed from the outside of the building. **The term “window sign” excludes “window display” as defined by this Section.**

30-6.3 General Requirements on On-Premises Signs

This subsection provides regulations pertaining to all On-Premise signs, and prescribes the maximum number of permanent on-premises signs and temporary promotional on-premise signs, and the maximum total area of such signs, that is permitted. The following subsection, “30-6.4 Requirements by Sign Type,” prescribes additional limitations for the placement and size of specific types of permanent on-premises signs.(e.g. “awning,” “wall,” “window” signs)

a. Regulations Pertaining to All On-Premise Signs:

1. Permit Required for All Permanent Signs. *In order to assure compliance with the regulations of this Section, no permanent sign (including signs that do NOT require building permits) may be installed until a Sign Permit has been issued. Sign Permit*

~~applications shall be filed with the Planning Department, and reviewed by the Planning Director, or person so designated.~~

- ~~2. Banners May Not Be Used as Permanent Signs. Except where permitted as a temporary grand opening sign, banners may not be used as a sign to identify a business. Banners, regardless of mounting, may not be used as a permanent sign.~~
- ~~3. 30-6.3-e Signs Not Included in Allowable Maximums. Exempt signs, temporary signs other than promotional signs, and conforming off-premises signs shall not be included in the determination of the total allowable number of signs or total allowable sign area for a site.~~
- ~~4. 30-6.3-d Maximum Permitted Area of Any One Individual Sign. The maximum area for any sign shall be fifty (50) square feet unless a smaller area is required by other regulations prescribed in the Section.~~

b. 30-6.3.a-Number of Signs Allowed

1. The maximum number of permanent on-premises signs per first floor use allowable per allowed for each street building frontage in any zoning district is two (2), exclusive of directional signs and window signs.
2. The signs may be multiple-faced and in any combination except that a business or other use, other than a use with a drive through facility, may not have:
 - (a) More than one (1) freestanding sign per lot.
 - (b) More than one (1) projecting sign per business use.
 - (c) A combination of one (1) projecting sign and one (1) freestanding sign.
- ~~3. Notwithstanding the above prohibition on more than one (1) freestanding sign, businesses uses with drive through facilities may be allowed to install a maximum of two (2) additional freestanding signs, but only to serve as menu reader boards and primarily viewable only from vehicles in the use's driveway.~~
- ~~34. The allowable number and type of business oriented directional signs shall be approved on an individual basis by the Planning Director.~~
- ~~5. See Subsection 30-6.3 c.1. (c) below for number of signs allowed for non first floor uses.~~

c. 30-6.3.b- Sign Area Allowed

1. Business. The maximum total sign area shall be determined by measuring the building frontage of the business.
 - (a) Except as provided in subsection (c) below, the total allowable sign area for a first floor business with a single building frontage shall be one (1) square foot of sign area per linear foot of building frontage, with a minimum allowed sign area of up to of twenty-five (25) square feet and a maximum of one hundred (100) square feet.
 - (b) For a first floor business with more than one (1) building frontage, or which occupies more than one (1) building, each building frontage shall be considered separately. The total sign area for any single first floor business shall not exceed one hundred fifty (150) square feet.
 - (c) Multiple occupancy building
 - (1) First floor tenants whose businesses are visible from a public street, walkway or parking lot shall be entitled to a sign area based on the amount of building

frontage used by that tenant, with a minimum ~~an allowed sign area of up to~~ of twenty-five (25) square feet.

- (2) Second story tenants shall be entitled to ~~either:~~ one (1) window identification sign which shall not occupy more than twenty-five (25%) percent of the ~~area of any one window area; or one (1) awning sign no larger than five (5) square feet~~
- (3) Tenants above the first floor level, and tenants whose businesses are not visible from a public street, shall be entitled to signs as part of a directory sign, either freestanding or mounted on the building frontage; three (3) square feet maximum per tenant.
- (d) Home occupation: No signs shall be allowed.
2. Business Non-residential Complexes, Shopping Centers, Residential Subdivisions, Industrial Complexes, Mixed-Use Projects, Historic Districts and other Planned Development Projects:
 - (a) Individual standards shall be set for each project. Requirements for similar uses discussed in this article shall serve as guidelines.
 - (b) All signs, temporary and permanent, shall be approved by the Planning Director pursuant to a coordinated signing program. The program shall coordinate the following items:
 - (1) Location, number, size and mode of display.
 - (2) Colors, materials and illumination.
 - (3) Temporary signs: duration of use.
3. Multiple-Residential. The maximum total sign area for multiple-residential development shall be as follows:
 - (a) Apartments, condominiums [three to ten (3-10) units]: Ten (10) square feet.
 - (b) Apartments, condominiums [above eleven (11) units]: Twenty (20) square feet.
 - (c) Rooming/Boarding houses: Ten (10) square feet.
 - (d) Convalescent homes: Fifteen (15) square feet.
 - (e) Bed and breakfast facilities: Four (4) square feet.
4. Professional Office. The maximum total sign area ~~shall be as set forth in Subsection 30-6.3 c. 1. above for businesses, plus the following maximum total sign area per building frontage: shall be as follows:~~
 - (a) Residential districts: Five (5) square feet.
 - (b) All other districts: Twenty (20) square feet identification sign, and a directory sign, three (3) square feet per tenant up to a maximum of thirty-six (36) square feet.
5. Hospitals. The maximum total sign area shall be one hundred fifty (150) square feet.
6. Religious, Educational, Governmental, Recreational. The maximum total sign area shall be twenty (20) square feet.
 - (a) Nursery schools, day care, group care and family care centers: Fifteen (15) square feet.
7. Charitable, Social, Fraternal, Union. The maximum total sign area shall be fifteen (15) square feet.
8. Construction Site: One (1) on-premises temporary sign not exceeding thirty-six (36) square feet in area. Duration shall be limited to the period of construction. (A Use Permit is required in all residential zoning districts, as regulated under Section 30-21.3.)

30-6.4 Requirements by Sign Type

a. Calculation of Sign Area.

1. Single-faced signs: The area shall be that within the outer-most border or edge of the sign.
2. Double-faced signs: The area shall be that within the outermost edge of one (1) face of the sign.
3. Multiple-faced signs and three (3) dimensional shapes: The area shall be the area of their maximum projection upon a vertical plane.
4. Borderless Signs: The area shall be that within a single polygon drawn with straight lines and right angle corners to enclose all sign parts.
5. Awning Signs: The area shall be the sum of the sign areas on each plane of the awning. The area of each sign shall be calculated in the same manner as for borderless signs.
6. Sign-Support Structures: The area of sign-support structures other than posts or brackets, shall be calculated as sign area only when the appearance of such structures attracts attention for advertising, instructional or informational purposes.
7. Directional Signs: The area of business oriented directional signs shall be included within the total allowable sign area for the site.
8. ~~Time and Temperature Devices: The area of time and temperature devices used in conjunction with signs shall not be included in the total area of the sign.~~

b. Wall Signs.

1. Signs shall be located only on building frontages ~~or fences~~ which are adjacent to a public street, walkway or parking lot.
2. Signs shall not at any point project from the surface upon which they are attached more than required for construction purposes ~~and never more than six (6) inches.~~
3. Signs ~~should~~ **shall** be placed no closer to either side of an adjacent business wall than a distance equal to ten (10%) percent of the length of the wall. Signs placed closer shall be subject to twenty-five (25%) percent loss in total allowable sign area.

c. Window Signs.

1. Signs shall be permitted only ~~on~~ **for** windows, ~~doors or openings as set forth in the definition of "window sign" that are~~ located on the first and second floors of the building frontage.
2. Signs shall be mounted on the inside of or painted on windows, ~~doors or openings as set forth in the definition of "window sign".~~
3. ~~No Permanent and/or Temporary window signs shall be larger than ten (10) square feet, and shall not occupy more than twenty-five (25%) percent of the area of any one (1) window. For the purposes of this section window shall mean the area defined by the framing of the window. Exempt signs, as described in Subsection 30-6.7, and window displays as defined by this Section, shall not be considered "window signs" for the purpose of determining compliance with this sub-section.~~

d. Projecting Signs.

1. Signs shall be mounted only on the building frontage of a business.
2. Signs shall not be permitted for residential uses.

3. Signs shall be limited to street level ~~for street level uses~~.
4. The design configuration and location of the sign shall not block the visibility of other signs on adjoining businesses.

(a) Projection and area:

Business Frontage	Maximum Projection	Maximum Sign Area
30 ft. or more	6 ft	25 sq. ft
29 ft. or less	4 ft.	20 sq. ft.

- (1) No sign shall project above the eave line of a building, or a sill of a second story window.
- (2) All signs shall have a minimum vertical clearance of eight (8') feet from the ground to the bottom of the sign or sign structure.
- (3) No sign shall project within two (2') feet of a curb line.
- (b) Side set in for businesses with building frontage sharing common sidewalks:
 - (1) Businesses with a building frontage of more than thirty (30') feet, the sign shall be set in a minimum of fifteen (15') feet from each sidewalk.
 - (2) Businesses with a building frontage of thirty (30') feet or less, the sign shall be centrally located; adjacent businesses may stack signs along a common side wall if the signs are of compatible designs and material.
- (c) Thickness: The maximum thickness of a projecting sign shall not exceed that required for construction purposes, ~~and not exceed six (6) inches~~.

e. *Awning Signs.*

1. Signs shall be located only on the building frontage of a business.
2. Signs shall be limited to street level ~~and second story~~ occupancies.
3. Signs may be located on more than one (1) plane of an awning ~~being and shall be~~ considered as one (1) sign.
4. The maximum sign area for an awning sign shall be thirty-six (36) square feet.
5. The design configuration and location of the awning shall not block the visibility of other signs on adjoining businesses as seen by passersby on the street.

f. *Freestanding Signs.*

1. Signs shall not be permitted in areas zoned for residential use, except for institutional uses.
2. There shall be a minimum of seventy-five (75') feet between any two (2) freestanding signs. The purpose of this provision is to avoid one (1) freestanding sign blocking the visibility of another sign on an adjoining site.
3. The maximum height for freestanding signs shall be as follows:
 - (a) Identifications sign: Twelve (12') feet.
 - (b) Subdivision and construction sign: Ten (10') feet.
 - (c) Directory sign: Eight (8') feet.
 - (d) Directional and informational sign: Six (6') feet.
 - (e) Exempt signs: Six (6') feet.
4. Signs shall not project over public property or vehicular easement or right-of-way.

5. Landscaping shall be provided at the base of the supporting structure ~~or the freestanding sign shall be incorporated into landscaped areas as determined by the Planning and Building Director.~~

6. Sign area shall be allowed as follows:

- (a) Square footage allotted to a building may be transferred to a freestanding sign in lieu of its use on the building up to a maximum of thirty (30) square feet (area of one (1) face).
- (b) When there is no building on the lot, or when a building does not cover the entire frontage of a lot, additional square footage for use on the freestanding sign shall be allowed at the rate of one-half (1/2) square foot per linear front foot of that portion of the lot on which there is no building, up to a maximum of thirty (30) square feet (area of one (1) face).

g. Marquee Signs.

1. Signs shall be mounted only on the front and sides of a marquee.
2. Signs shall not project more than six (6") inches from the face of the marquee.
3. Signs shall not extend above the top or below the bottom of the marquee.
4. The maximum total area for marquee signs shall be twenty-five (25) square feet.

h. Privilege Signs.

1. The type of sign and its materials and colors shall be compatible with the architectural style of the building upon which it is to be located.
2. No more than twenty-five (25%) percent of the total sign area available under subsection 30-6.3 may be used to advertise the supplier of the sign. (Ord. No. 535 N.S. §11-14B4; Ord. No. 1277 N.S.; Ord. No. 2028 N.S.)

~~*i. Directory Signs.*~~

- ~~1. Directory signs shall not display any logos or advertising.~~

~~30-6.5 30-6.18 Variances Limited to Certain Provisions of Sign Regulations~~

~~[30-6.5 Prohibited Signs, relocated to 30-6-9]~~

The provisions of Section 30-21 of this article shall apply only to subsections 30-6.3.ab; ~~"Number of Signs Allowed," b 30-6.3.c, "Sign Area Allowed," and 30-6.4; "Requirements by Sign Type."~~

30-6.6 Illumination of Signs

- a. No artificial exterior light used for the purpose of lighting any sign shall be so located as to result in the directing of light on to or reflecting glare upon any adjacent property or public right-of-way.
- b. External light sources shall be directed and shielded to prevent direct illumination of any object other than the sign.
- c. No brightly illuminated signs shall be allowed in, or within two hundred (200') feet and facing any residential zoning district. (Exception: hospitals.)
- d. Light source shall utilize energy efficient fixtures.

~~30-6.7 Required Permits for Signs~~ [SECTION TO BE DELETED, REPLACED WITH PERMIT REQUIREMENT STATED IN 30-6.3.A.1]

~~A building permit shall be obtained as provided in Section 6-3 of this Code. The building permit shall not be issued prior to zoning approval of the sign(s) as provided for in this article. For signs using electricity, an electrical permit from the Bureau of Electricity shall be required.~~

~~30-6.7~~ 30-6.15 Signs Exempt

The following types of signs shall be exempt from the provisions of these regulations:

- a. Regulatory Sign. Any sign erected and maintained pursuant to and in discharge of any governmental function or required by any law, ordinance or governmental regulation.
- b. Bench signs, ~~when~~ located at designated public transit bus stops.
- e. ~~Signs being manufactured, transported and/or stored within the City limits; provided, however, that such signs are not used, in any manner or form, for purposes of advertising at the place or places of manufacture or storage. [unnecessary]~~
- d. Commemorative plaques, ~~if installed and maintained by government agencies or~~ of recognized historical societies and organizations
- e. Emblems and Symbols. Religious symbols, legal holiday decorations and identification emblems of religious sects, orders or historical societies.
- f. ~~Signs located within malls, courts, arcades, porches, patios, and similar areas where such signs are not visible from any point on the boundary of the premises. [redundant with "interior signs"]~~
- g. ~~Signs designating the premises for sale, rent or lease; provided, however, that any such sign shall conform to all regulations of the particular zone in which it is located. [conflicts with "real estate signs" regulations under temporary signs]~~
- h. ~~Signs on vehicles regulated by the City or State that provide public transportation including, but not limited to, buses and taxicabs [unnecessary]~~
- j. Vehicle Signs. Signs on licensed commercial vehicles, including trailers; provided, however, that such vehicles shall not be utilized as parked or stationary outdoor display signs.
- k. Business District Directory Signs. Signs provided by the City for pedestrian identification of nearby businesses.
- l. ~~Temporary signs on behalf of candidates for public office and for or against ballot measures. ["POLITICAL SIGNS" TO BE CLASSIFIED AS "TEMPORARY SIGNS"]~~
- m. ~~Temporary Signs. ["TEMPORARY SIGNS" TO BE RELOCATED TO OWN SUBSECTION, 30-6.8]~~
- n. Address. Street number and street name not exceeding two (2) square feet in area per single family or duplex unit, and four (4) square feet in area for all other uses.
- o. Affiliation Sign. Signs not exceeding one-half (1/2) square foot in area per sign, and six (6) in number per business.
- p. Barber Pole, ~~but~~ shall contain no advertising.
- q. Flags. Flags of any nation or political jurisdiction, ~~fraternal or religious organization,~~ shall be exempt provided that the pole height ~~for flags mounted on poles~~ shall not exceed twenty-five (25') feet, except upon approval of a design review application which includes photographs and drawings submitted by the applicant, in order to achieve compatibility of scale with nearby large buildings and landscaping, and provided that the length of the flag

shall be no more than one-quarter (1/4) of the height of the pole. Weather flags, nautical flags and pennants when displayed on boats, in marinas, or on any land area within fifty (50') feet of water frontage, shall be exempt provided that they shall be primarily viewed from the water and void of any commercial intent.

- r. Gasoline Sign. Pump signs identifying the type and octane rating shall be permanently affixed to the pump, not to exceed two (2) square feet in size and two (2) in number per pump for each gasoline type dispensed. Price signs readable from adjacent streets shall be in accordance with the requirements of the Business and Professional Code of California as to wording, coloring and size of letters and numerals, and shall not exceed five (5) square feet in area.
- s. Historic Sign. Any signs that have been determined by the Historic Advisory Commission Board to have historic merit.
- t. Hours of Operation Signs. ~~Signs displaying such information as the hours of operation, emergency contacts and whether or not a business is open or closed. Such signs shall not exceed two and a half (2.5) square feet.~~
- u. Interior Sign. Signs located within the interior of any building, ~~mall, arcade~~, complex or structure and not visible from any public street, walkway or parking lot.
- v. Residential Nameplate. One (1) sign not exceeding two (2) square feet in area per single family or duplex unit.
- w. Crime Prevention Neighborhood Watch Signs. Signs identifying an area participating in a Police Department approved Neighborhood Watch Program. The allowable number, location and design of said signs shall be approved on an individual basis by the Planning Director. Maximum sign area: three (3) square feet; minimum ground clearance: seven (7') feet; maximum height: nine (9') feet.
- x. Signs Designating Drug Free Zones. Signs identifying the City of Alameda as a Drug Free Zone area. Maximum sign area: three (3) square feet; minimum ground clearance: seven (7') feet; maximum height: nine (9') feet.
- y. Hospital Directional Signs. Off-premises signs directing uses to twenty-four (24) hour emergency care facilities. The copy of such signs shall consist of "H", and/or "Hospital", and/or an arrow and shall not contain any advertising in the form of the specific facility name or logo. The allowable numbers, location and height of said signs shall be approved by the Planning Director and City Engineer. The total sign area in square feet for all signs mounted on the same pole or other structure at each location shall not exceed three (3') feet in area, excluding arrow.
- z. Non-commercial, Political, Religious or Public Service Signs. Signs containing noncommercial, political, religious or public service messages provided that these signs are used exclusively to display such messages and comply with the applicable advertising structure controls in subsection 6-3 of chapter VI of this Code.
- aa. Menu, window display, ~~provided total area of posted menus does not exceed two (2) square feet (e.g., an area 12" by 24"). Window menu displays in excess of 2 square feet may be permitted as window signs, subject to the limitations on number of signs, and area of signs, prescribed by sub-sections 30-6.3 and 30-6.4.~~

~~30-6.8 Regulation and Abatement of Outdoor Advertising Display Signs. [SECTION TO BE DELETED, REPLACED WITH PURPOSE AND INTENT STATEMENTS PROVIDED IN 30-6.1.a & b]~~

- a. ~~It is the purpose of these regulations to eliminate excessive and confusing sign displays which do not relate to the premises on which they are located; to eliminate hazards to pedestrians and motorists brought about by distracting sign displays; and to preserve and improve the appearance of the City as a place in which to live and work.~~
- b. ~~It is the intent of these regulations to protect an important aspect of the economic base of the City by preventing the destruction of the natural beauty and environment of the City, which is instrumental in attracting residents and nonresidents who come to live, visit, trade or vacation; to safeguard and enhance property values; to protect public and private investment in buildings and open spaces; and to protect the public health, safety and general welfare. (Ord. No. 535 N.S. §11-14B8; Ord. No. 1277; Ord. No. 1858 N.S.)~~

30-6.8 Temporary Signs

In addition to exempt signs, and the permanent signs permitted by this Section, the following types of temporary signs are permitted, subject to the following regulations and limitations: All temporary signs, other than promotional signs, are exempt from the number and size limitations prescribed by sub-sections 30-6.3 and 30-6.4. The time limitations for specific types of temporary signs are prescribed below:

- a. Closed for vacation or remodeling sign: One (1) sign not exceeding two (2) square feet that specifies a reopening date and which is removed no later than the day following the reopening date.
- b. Fundraising Event Campaign Sign (Nonpolitical): One (1) sign not exceeding four (4) square feet in area per

parcel or business for all parcels zoned for residential use, and sixteen (16) square feet in all other zoning districts;

located on private property, with the owner's permission, for a maximum of thirty (30) days and removed within two (2) days after the event.

- c. Garage Sale: On-premises signs and directional off-premises signs, for not more than three (3) two (2) days prior to and removed immediately within one (1) day after the sale.

- d. Grand Opening Sign: Signs or banners erected one (1) time only, for a maximum of thirty (30) consecutive days, and not exceeding fifty (50) square feet in area per sign. All grand opening signs shall state, using letters at least one (1) inch in height, the date the sign was installed. Permission shall be obtained from the City Manager, unless exempt under Section 63, Advertising Structures and Signs.

- e. Motor Vehicle Sign: One (1) sign per vehicle may be affixed on the window of the vehicle. The sign may not exceed two (2) square feet in area and may not be placed or affixed in a manner that would obstruct the driver's vision.

- f. Political campaign sign: Temporary signs on behalf of candidates for public office and for or against ballot measures, to be removed no later than two (2) days after the election.

- g. Promotional Sign: One (1) window sign may be located inside or outside the glazed area of each building elevation with a street frontage, for a maximum of 30 consecutive days, and cumulative for a maximum of ninety (90) days per year subject to the limitations on maximum window sign area prescribed by subsection 30-6.4.c. All promotional signs shall state, using letters at least one (1) inch in height, the date the sign was installed.

- h. Real Estate Sign: Real estate signs may be located in any zoning district, but may only be located on private property in any zoning district (subject to the

~~granting of~~ with the owner's permission), ~~and are subject to the following limitations.~~

1. On-premises signs shall be located in accordance with the following:
 - (a) One (1) on-premises sign indicating the property ~~is permitted for the time period that the indicated~~ property is available for sale or rent ~~or otherwise~~ available. For single family dwellings or duplexes, the sign area shall not exceed four (4) square feet in area. For multi-family dwellings, commercial, or industrial uses, the sign area shall not exceed sixteen (16) square feet in area.
 - (b) In addition, one (1) on-premises sign indicating the property is open for inspection not exceeding four (4) square feet in area. This sign may not be placed more than two (2) hours prior to the open house and must be removed within two (2) hours after the open house.
 - (c) In addition, up to three (3) on-premises sign riders indicating information such as the agent's name and phone numbers, home warranties offered, or instructions on viewing the property. Each rider shall not exceed one (1) square foot.
3. Off-premises signs are limited to a maximum of six (6) per open house, not exceeding four (4) square feet in area per sign. Signs may not be placed on public property except for medians of public roads and sidewalks. Signs may not be placed on medians or sidewalks in a manner which obstructs pedestrian or vehicular traffic, or lines of sight. These signs may not be placed more than two (2) hours prior to the open house and must be removed within two (2) hours after the open house.
 - ~~h. Seasonal Decorations. Seasonal decorations are permitted, providing that they are not installed~~ When not erected for more than thirty (30) ~~forty-five (45)~~ days prior to, and removed not more than thirty (30) ~~seven (7)~~ days after a holiday.
 - i. ~~Seasonal Sales Signs.~~ Signs ~~to identify a seasonal business~~ may be erected for a maximum of thirty (30) consecutive days. Wall, fence, free-standing signs and banners shall not exceed twenty-five (25) square feet in total area. ~~No set area maximum for window signs; all signs shall be mounted or painted on the inside of the window.~~ The same signs cannot be reused for sixty (60) consecutive days. Dilapidated signs cannot be reused. Permission shall be obtained from the City Manager ~~Planning and Building Director~~ unless exempt under subsection 6-3.7
 - j. ~~Special Event Signs.~~ Signs or banners with a holiday message identifying a civic or public event or holiday, and erected in any zoning district on private property with the owner's permission for not more than thirty (30) consecutive days ~~and are removed within two (2) days following the event.~~ Permission shall be obtained from the ~~Planning and Building Director~~ City Manager unless exempt under Section 6-3.6. ~~Banners to promote such special events may be located within vehicular rights-of-way, subject to the approval of the City Manager, and compliance with Bureau of Electricity, Building Inspection and Public Works Department regulations. California State Department of Transportation approval may also be necessary for banners within the vehicular rights-of-way.~~
 - k. ~~Special Promotional Event Banner.~~ Banners located within vehicular rights-of-way. Permission shall be obtained from the City Manager. Compliance with Bureau of Electricity, Building Inspection and Public Works Department regulations is required. ~~California State Department of Transportation approval may also be necessary.~~

30-6.9 30-6.5 Prohibited Signs

[30-6.9 Regulation of Off-Premises Outdoor Advertising Signs, relocated to 30-6.13]

- a. *Obscene or Offensive to Morals.* Signs containing statements, words, or pictures of an obscene, indecent or immoral character which appeal to the prurient interest in sex, or which are patently offensive and do not have serious literary, artistic, political or scientific value are prohibited.
- b. *Hazards to Traffic.* Other than when used for traffic direction, signs which contain or are an imitation of official traffic signs or signals are prohibited. No sign shall be erected in such a manner that its size, location, content, colors, or illumination will interfere with, obstruct, confuse or mislead traffic.
- c. *Hazards to Exits.* No sign shall be erected in such a manner that any portion of the sign or its support is attached to, or will interfere with, the free use of any fire escape, exit, or standpipe. No sign shall be erected which will obstruct any required stairway, door, ventilator or window.
- d. *Roof Locations.* Signs erected upon or extending above any part of a roof or false roof structure are prohibited.
- e. *Motion Devices.* Signs utilizing flashing lights, changing of color intensity, or mechanical moving parts are prohibited ~~including all moving signs.~~ (Exceptions: Time and temperature devices ~~historic signs, barber poles and, with a Use Permit, animated signs but only if determined by the Use Permit to have outstanding artistic merit.~~)
- f. *Excess Area.* Signs in excess of fifty (50) square feet.
- g. *Windblown Devices.* Except for exempt flags and banners, use of windblown or inflatable devices of any type is prohibited, including the production of smoke, bubbles, sound, or other substances.
- h. *Portable Freestanding Sign.* Portable freestanding signs are prohibited except for temporary service station and real estate signs on medians of public roads and sidewalks. Such temporary service station and real estate signs may not be placed on medians or sidewalks in a manner which obstructs pedestrian or vehicular traffic, or lines of sight.
- i. *Signs on Vehicles.* No vehicle may be used as a platform or substitute for a billboard or any other type of sign, whether on private property or within a public right-of-way.
- j. *Natural Despoliation.* Signs cut, burnt, limed, painted or otherwise marked on a rock, tree or field are prohibited.
- k. *In Storage.* Signs shall not be located on a premises so as to be visible from off of the site prior to erection or while in storage.
- l. *Dilapidated Signs, except Historic Signs.*
- m. *Abandoned Signs, except Historic Signs.*
- n. *Miscellaneous Signs and Posters.* The posting or painting of signs not otherwise defined or permitted in this article. (Ord. No. 535 N.S. §11-14B5; Ord. No. 1277 N.S.; Ord. No. 2028 N.S.; Ord. No. 2362 N.S.; Ord. No. 2617 N.S. §3)

30-6.10 30-6.5 Abatement of Nonconforming On-Premises Signs

[30-6.10 "Off Premises Directional Signs", relocated to 30-6.14]

Any on-premises sign which does not conform to the regulations of this section shall be removed by the owner or possessor thereof within the period of time prescribed herein ~~and the surface on~~

~~which the sign was mounted or attached shall be patched, painted and otherwise repaired to remove all evidence of the former sign.~~

- a. Signs with the following prohibited characteristics shall be abated immediately:
 1. Obscene or offensive to morals.
 2. Hazard to traffic.
 3. Hazard to exits.
 4. Vehicular sign.
 5. Portable advertising signs.
- b. The following prohibited signs shall be abated within ~~ninety (90)~~ **thirty (30)** days:
 1. Motion devices.
 2. In storage signs.
 3. Wind blown devices.
 4. Abandoned signs.
 - (a) ~~Temporary Continuation of abandoned sign: The owner or future user of an abandoned sign who desires to make subsequent use of the sign itself or structural support shall, within ninety (90) thirty (30) days of the abandonment, give written notification to the Planning & Building Director, and if approved by the Planning & Building Director resume use of the abandoned sign within thirty (30) days of the Planning & Building Director's approval. In the case of a sign structure, such written notification shall be given within one hundred eighty (180) days of the date of abandonment and the structure reused within one (1) year of such date.~~
 5. Dilapidated signs.
 6. Damaged Sign. Damaged to the extent of fifty (50%) percent of its current replacement value.
- c. All other nonconforming on-premises signs shall be abated either after the expiration of the useful life of the sign(s) for Federal income tax purposes or after a period equal to the number of years obtained by dividing the total cost of the sign(s) when installed by five hundred (500), whichever comes first, provided however, that no less than three (3) years from the effective date of this section* shall be allowed for amortization. (Ord. No. 535 N.S. §11-14BII.5; Ord. No. 1277 N.S.; Ord. No. 2028 N.S.)
* Editor's Note: As added by Ordinance No. 2028 N.S. effective January 2, 1981.

~~30-6.11 Abatement of Nonconforming Signs~~ [SECTION TO BE DELETED, AS AN UNNECESSARY INTRO TO FORMERLY CONSECUTIVE SUB-SECTIONS 30-6.12, "ABATEMENT SCHEDULE FOR OFF-PREMISES SIGNS" AND 30-6.13 "ABATEMENT OF NONCONFORMING ON-PREMISES SIGNS"]

~~30-6.11~~ 30-6.14 Removal of Nonconforming Signs

Any sign that is in noncompliance with the regulations of this section shall be removed prior to or upon the date designated for removal in the above abatement schedule. If the owner of, or the person or persons responsible for, the sign fails to remove the nonconforming sign, the owner of the premises upon which the sign is located shall be responsible for the removal of the sign and the work shall be done within ninety (90) days following the date of non-conformance. The procedure for the removal of all nonconforming signs shall be as follows:

- a. The Planning & Building Director, or his/her designated representative, may cause the removal of any nonconforming sign and supporting structure and shall charge the costs incurred against any of the following, each of whom shall be jointly and severally liable for said charges; provided, however, that any decision or determination of the Planning & Building Director may be appealed in accordance with the general provisions as set forth in paragraph c.:
 1. The permittee;
 2. The owner of the sign;
 3. The owner of the premises on which the sign is located;
 4. The occupant of the premises on which the sign is located;
- b. A sign and supporting structure removed by the City shall be held not less than thirty (30) days by the City, during which time it may be recovered by the owner upon payment to the City for costs of removal and storage. If not recovered prior to expiration of the thirty (30) day period, the sign and supporting structures shall be declared abandoned and title thereto shall vest in the City and the cost of removal shall be billed to the owner.
- c. A person appealing the decision of the Planning & Building Director shall file a notice of appeal with the Secretary of the Planning Board within fifteen (15) days of the decision. The Planning Board shall hear the appeal. The decision of the Planning & Building Director shall be affirmed unless the appellant establishes that the sign(s) has not yet become nonconforming pursuant to subsection 30-6.12 ~~5~~.
- d. Nothing in this subsection shall be construed to relieve the owner of the sign or the premises on which the sign is located, the permittee or the occupant of the premises on which the sign is located from the duty of removing sign(s) at the time required by this section.
- e. Removal by the Planning & Building Director, ~~or his/her designated representative~~ is an alternate procedure and nothing in this subsection shall be construed as a limitation on the authority of the City to abate nonconforming uses under this section as a nuisance pursuant to Section 1-5 of this Code. All nonconforming signs are declared hereunder, as well as under Section 1-5, a public nuisance. (Ord. No. 535 N.S. §11-14B12; Ord. No. 1277 N.S.; Ord. No. 1683 N.S.; Ord. No. 1857 N.S.)

~~30-6.12~~ 30-6.18 Special Requirements for Auto Dealerships within Auto Row
 [30-6.12 "Abatement Schedule for Off-Premises Signs", relocated to 30-6.15]

All other sign regulations shall apply to **auto dealerships within automobile row signs** except as provided in this subsection:

- a. Number of Signs Allowed.
 1. The maximum number of on-premises signs shall be six (6) per **auto dealership business**, exclusive of directional signs, and a maximum of three (3) signs per building side. Signs may be posted on the street facade of a building or a building facade facing a parking lot, provided that the lot is used by the same dealership.
 2. An exterior display wall shall be considered a building frontage for purposes of sign placement. All exterior display walls shall be subject to design review.
 3. The signs may be multiple-faced and in any combination except that a business may not have:
 - (a) More than one (1) freestanding sign per lot;
 - (b) More than one (1) projecting sign per **business auto dealership**;

- (c) A combination of one (1) projecting sign and one (1) freestanding sign.
4. Directional Signs. Each business ~~auto dealership~~ may have a maximum of three (3) vehicle oriented safety and directional signs solely for the purpose of guiding traffic, parking, and loading or private parking inside the property, and not bearing advertising materials or business identification. Maximum sign area shall be four (4) square feet. Maximum height for freestanding signs shall be four (4) feet. Additional directional signs may be permitted by design review, based on a finding of necessity. Directional signs shall not be included in the computation of total number of signs nor total signage allowed.
- b. Sign Area Allowed.
- ~~1.7~~ The maximum total sign area shall be determined by measuring the building frontage of the business ~~auto dealership~~.
- (a) The total allowable sign area for an ~~auto dealership~~ a-business shall be one (1) square foot of sign area per linear foot of building frontage, with a minimum of twenty-five (25) square feet and a maximum of two hundred (200) square feet.
- (b) A component or department of an automobile dealership, such as service and repair, which is on a separate parcel from the dealership shall be considered a separate business but shall comply with all sign regulations of Section 30-6, and the additional provisions of subsection 30-6.17.2 shall not apply.
- (c) The maximum area for any sign shall be one hundred fifty (150) square feet.
- c. Window Signs.
1. Signs shall not occupy more than twenty-five (25%) percent of the window area, except that a larger percentage may be covered in conjunction with a special event for a maximum of four (4) periods per calendar year, but in no case is the time period to exceed twenty (20) days per year, subject to approval of the Planning & Building Director, upon submission of a written request. Time periods during which such larger window displays are allowed shall be included in the total time for special events as specified under point (e)(1) below.
- d. Freestanding Signs.
1. The maximum height of freestanding identification signs shall be twelve (12') feet.
2. Freestanding signs are not subject to the seventy-five (75) foot separation requirement set out in subsection 30-6.4(f)2 but shall be placed to assure no view blockage of existing signs.
- e. Special Events Decorations.
1. Special events decorations, including banners, and flags, except balloons, pennants and streamers, may be permitted in conjunction with a special event for a maximum of four (4) periods per calendar year, but in ~~no not~~ case is the time period to exceed twenty (20) days per year, subject to approval of the Planning & Building Director, upon submission of a written request. Time periods during which window displays covering more than twenty-five (25%) percent of the window area are allowed, as specified under point (c)(1) above, shall be included in the total time for special events.
2. Balloons, pennants and streamers may not be used at any time. (Ord. No. 2718 N.S. §2)

~~30-6.13~~ ~~30-6.9 Regulations of Off-Premises Outdoor Advertising Signs~~ Off-Premises Signs
General Regulations

[30-6.13 "Abatement of Nonconforming On-Premises Signs", relocated to 30-6.10]

Off-premises outdoor advertising signs, where permitted, shall not:

- a. Exceed fifty (50) square feet.
- b. Be located on the roof of a building.
- c. Be located within:
 1. One thousand (1,000') feet of another off-premises outdoor advertising sign which does not conform to the provisions of paragraph a. where both of the signs do not conform to the provisions of paragraph a. or
 2. One hundred (100') feet of another off-premises outdoor advertising sign where one or both of the signs conform to the provisions of paragraph a.
- d. Excepting off-premises directional signs, be visible from a building or lot in a residential district.
- e. Excepting off-premises directional signs, be visible within one thousand (1,000') feet of any bridge, tunnel, dock or boat ramp.
- f. Be located so that a motorist would view the sign as adjacent to or behind a traffic signal or sign from a distance of one hundred (100') feet or less from the nearest curblin of the cross street at the intersection controlled by the traffic signal.
- g. Excepting off-premises directional signs, be located on a route designated on the General Plan as a scenic route.
- h. Excepting off-premises directional signs, be located on or adjacent to a parcel of land containing a structure listed on the historical building study list.
- i. Be located in residential or C-1 Districts. (Ord. No. 535 N.S. §11-14B9; Ord. No. 1277; Ord. No. 1858 N.S.; Ord. No. 1881 N.S.; Ord. No. 1962 N.S.; Ord. No. 2362 N.S.)

~~30-6.14~~ **30-6.10 Off Premises Directional Signs**

[30-6.14 "Removal of Nonconforming Signs", relocated to ~~30-6.11~~]

Off premises directional signs require use permit approval pursuant to subsection 30-21.3. (Ord. No. 2362 N.S.)

~~30-6.15~~ **30-6.12 Abatement Schedule for Off Premises Signs Off Premises Signs – Abatement Schedule**

[30-6.15 "Signs Exempt", relocated to ~~30-6.7 & 8~~]

Any off-premises sign which does not conform to the regulations of this section shall be removed by the owner or possessor thereof at the earliest of the following occurrences:

- a. The expiration of the useful life of the sign or signs for federal income tax purposes.
- b. The recovery of the owner's investment, including cost of installation, as measured by the sum of the net income earned. Net income earned shall mean gross revenues earned less expenses of operation and administration and a provision for ten (10%) percent return on invested capital.
- c. The passage of fifteen (15) years from the date of completion or acquisition of the sign; or
- d. The passage of five (5) years from February 16, 1973 (the effective date of Ordinance No. 1683); or
- e. One (1) year shall be added to the applicable paragraph a. through d. to compensate the owner for the cost of removal. (Ord. No. 535 N.S. §11-14B11; Ord. No. 1277 N.S.; Ord. No. 1733 N.S.; Ord. No. 1846 N.S.; Ord. No. 1857 N.S.; Ord. No. 2028 N.S.)

30-6.16 Conflicts with other Provisions

- a. Where there is a conflict between the regulations of this section and the regulations of any other section of this Code, the regulations of this section shall prevail; provided, however, that the regulations of other sections shall prevail in the following cases:
- b. Where the regulations of any other section are more restrictive.
- c. Where a Planned Development District has been established in accordance with the procedure set forth in subsection 30-4.13 paragraphs a. through n. of this Code, provided that any such Planned Development District regulations shall include comprehensive sign regulations encompassing the entire Planned Development District area.
- d. Nothing contained in Section 6-3 of this Code, shall be construed to authorize or permit any sign prohibited or regulated by this section. (Ord. No. 1683 N.S.)

~~30-6.17~~ ["Special Requirements for ~~Auto Dealerships within~~ Auto Row" , relocated to 30-6-12]

~~30-6.18~~ ["Variances", relocated to 30-6-5]

[END – 5.23.2002]

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9-B. ZA04-0001—Zoning Ordinance Text Amendment/City-wide. Review and revision of Section 30-6 of the Alameda Municipal Code (AMC), Sign Regulations (JS/JA). The purpose of this amendment is to clarify current regulations and establish internal consistency with various sections of the AMC with the primary focus on regulations pertaining to Window Signs.

Mr. Cormack summarized the staff report.

The public hearing was opened.

Mr. Robb Ratto, Executive Director, PSBA, noted that they wanted the district to look as attractive as possible during the revitalization process. PSBA did not want businesses jamming their windows with posters obscuring the business, and which made the storefronts look junky. He expressed concern about the proliferation of grand opening signs, and the length of time that they are left up. He believed this ordinance would put an end to that practice. He noted that PSBA and WABA were in agreement that a grand opening would last 30 days, and that a permit would be necessary for that signage to remain up. He supported the Planning Board's recommendation to the City Council to enact this ordinance.

Ms. Sherry Stieg, WABA, supported the proposed ordinance, and noted that it was the result of a lengthy collaboration between PSBA, WABA and the Planning & Building Department.

The public hearing was closed for Board discussion.

In response to an inquiry by Mr. Piziali regarding enforcement, Mr. Cormack confirmed that the Code Enforcement Division would be responsible. There was currently one full-time Code Enforcement officer, and a planner working part-time in that capacity. He noted that the Planning and Building Department made a commitment to PSBA and WABA for increased enforcement along Park Street and Webster Street and the revised ordinance would assist with that effort.

Mr. Piziali believed that the merchants would police themselves.

In response to an inquiry by Ms. McNamara regarding window signs, Mr. Cormack replied that a business would be in conformance provided no more than 25% of the window was covered by signage. The content would not be examined. He noted that many windows had more than 25% coverage, and that the merchants in violation would first receive a letter, and then the fine system would go into practice. He anticipated that some businesses would not be happy with the new ordinance, however, with the assistance of PSBA and WABA compliance could be achieved.

In response to an inquiry by President Cunningham, Ms. Altschuler, replied that the fee for a sign permit was upward of \$200. She noted that it was necessary to put language in place to address some of the proliferation of the temporary window signs. She noted this

would not be the last request for an amendment to the sign ordinance. Over time, staff hoped to identify the worst offenders in terms of the sign type and the number of signs, and to start working on the issues (e.g., grand opening banner signs).

Vice President Cook supported the incremental nature of this effort, and inquired about the large amount of signage and product display in small grocery stores throughout the City. Ms. Altschuler replied that grocers often stack products in the store windows, which prevented visual access. Staff chose to address that issue in a limited way in this particular ordinance change, and that there was a short discussion of window displays. She noted that the opinions were so diverse that it would not have enabled progress of this action which is focused on window signage.

Mr. Cormack added that most code enforcement in the City is generated on a complaint basis. While this ordinance will apply city-wide, the privacy emphasis for enforcement has been generated by PSBA and WABA.

In response to Ms. Kohlstrand's question regarding leaving seasonal decorations up for a length of time, Ms. Altschuler noted that it would only be for commercial uses, and would ensure that distinction was clear.

M/S Piziali/Cook and unanimous to recommend to the City Council adoption of the revised Sign Regulations with a clarification of current regulations and the establishment of internal consistency with various sections of the AMC with the primary focus on regulations pertaining to Window Signs.

AYES – 7; NOES – 0; ABSTAIN – 0

CITY OF ALAMEDA ORDINANCE NO. ____
New Series

AMENDING THE ALAMEDA MUNICIPAL CODE BY AMENDING SECTION 30-2 (DEFINITIONS) OF ARTICLE I (ZONING DISTRICTS AND REGULATIONS) OF CHAPTER XXX (DEVELOPMENT REGULATIONS) BY ADDING A NEW DEFINITION (*SIGNS*); REPEALING SECTION 30-6 (SIGN REGULATIONS) IN ITS ENTIRETY AND ADDING A NEW SECTION 30-6 (SIGN REGULATIONS) TO CHAPTER XXX (DEVELOPMENT REGULATIONS)

BE IT ORDAINED by the City Council of the City of Alameda that:

Section 1. The Alameda Municipal Code is hereby amended by adding a new definition "*Signs*" to Section 30-2 (Definitions) of Article I, Zoning Districts and Regulations) of Chapter XXX (Development Regulations) to read as follows:

30-2 DEFINITIONS

Sign shall mean any object, device, display, or structure, or part thereof, situated either outdoors, or indoors in such a manner as to be primarily viewed from the outside, which is used to advertise, identify, display, direct, or attract attention to a business, organization, institution, service, event, object, product or location by any means including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. The term "sign" shall include any structure which is erected or used for sign purposes, upon which the sign is placed including sign statuary, or which was once used for signage.

Section 2. The Alameda Municipal Code is hereby amended by repealing Section 30-6 (Sign Regulations) of Chapter XXX (Development Regulations) in its entirety.

Section 3. The Alameda Municipal Code is hereby amended by adding a new Section 30-6 (Sign Regulations) to Chapter XXX (Development Regulations) to read as follows:

30-6 SIGN REGULATIONS

30-6.1 In General; On-Premises and Off-Premises Signs.

- a. *General Regulation.* Signs as defined in Section 30-2, are further defined in subsection 30-6.2, and are permitted in all zoning districts, but shall be designed, erected, altered, moved, removed, or maintained in whole or in part in accordance with the regulations prescribed in this Section.
- b. *Permit Required.* A Sign Permit shall be obtained as provided in Section 30-37.2(b)(5) of the Alameda Municipal Code and a Building Permit shall be obtained as provided in Sections 6.3 and 13-1 of the Alameda Municipal Code.
- c. *Purpose.* The purpose of this Section is to provide standards to safeguard life, health, property and public welfare by regulating and controlling the design, quality of materials,

location, installation and maintenance of all forms of outdoor advertising, as defined in Section 30-2. The City finds that signs are important to the economic life and welfare of the City. However, when placed in an improper manner or used to an excessive extent, signs may be detrimental to the public safety and welfare. The public interest, conservation of property values, encouragement of orderly city development, aesthetic values and protection of the public health, safety and welfare therefore require that the use of signs be regulated.

- d. *Intent.* The objectives of the regulations in this Section are to:
1. Enhance the appearance and economic value of the community by regulating the quantity, size, type, location, design and maintenance of signs;
 2. Encourage signs which are compatible with adjacent land uses;
 3. Encourage a high quality design with a minimum of clutter;
 4. Encourage signs which are well designed and pleasing in appearance;
 5. Provide a reasonable and constitutional system of sign control;
 6. Conveniently direct persons to various activities and enterprises in the city;
 7. Reduce traffic and safety hazards through proper location and design of signs; and
 8. Prevent uncontrolled sign competition which is costly to business and visually unattractive to the community.

30-6.2 Definitions

As used in this section:

Abandoned sign shall mean a sign, or part of a sign, or any structure that does or once had supported a sign, which has not, for a period over 30 days, displayed the identity of a business, lessor, owner, product, service or activity on the premises where the sign and/or structure is located.

Affiliation sign shall mean any sign whose sole purpose is to identify membership in an association of businesses, such as credit card companies, association membership, trading stamps.

Auto Dealership shall mean an establishment whose principal activity is the sale of new or used motor vehicles.

Auto row shall mean the parcels fronting on both sides of Park Street between the Park Street Bridge on the north and the north side of Lincoln Avenue on the south, including adjacent parcels contiguous to ones with frontage on Park Street under ownership or lease to auto dealers, and including adjacent portions of Blanding Avenue, Buena Vista Avenue, Pacific Avenue, Tilden Way and Lincoln Avenue which abut parcels under ownership or lease to auto dealers.

Awning shall mean a hood or cover which projects from a wall of a building, which is primarily intended to provide shade and shelter, and which is typically made of canvas or aluminum or similar materials, and may be fixed in place or retractable.

Balloon shall mean an inflated is filled with hot air or a gas lighter than air.

Banner shall mean a sign not made of rigid material either enclosed or not enclosed in a rigid frame, which is temporarily mounted or attached to either poles, trees or buildings, and may be placed as to allow movement of the sign by the wind.

Borderless sign shall mean a sign composed of parts of a message without a single border enclosing any of the parts.

Building frontage shall mean the portion of an exterior building wall which faces a public street, walkway or parking lot. When separated by interior walls, more than one (1) kind of business may be considered a separate place of business although operated within the same building by the same owner.

Bulletin Board sign shall mean a sign used to display announcements relative to a public, charitable, religious or fraternal institution.

Business shall mean an organization involved in the provision of goods or services, including transitory residential uses such as motels and hotels but excluding multiple residential uses.

Business complex shall mean five (5) or more businesses located on one (1) or more parcels of land sharing common pedestrian or vehicular access or parking facilities.

Business park shall mean industrial or commercial development in all industrial, manufacturing zones designated in part by the letter M, which contain at least five (5) different businesses with a combined gross floor area of at least fifty thousand (50,000) square feet.

Commemorative plaques shall mean memorial signs and tablets, building name and erection date, symbols and similar emblems that are a permanent design element of a building or other structure.

Construction sign shall mean a sign which identifies the persons, firms or businesses directly connected with a construction project.

Dilapidated sign shall mean a sign that is no longer in a good state of repair, and is not visually attractive and functional, or has become a health or safety hazard.

Directional sign shall mean an on-site sign which is designed and erected solely for the purposes of directing vehicular and pedestrian traffic within a project. Such a sign shall contain no advertising copy.

District shall mean any zoning district designated in the zoning regulations of the City.

Directory sign shall mean an identification sign listing the tenants of a building, complex or multi-tenant space. Directory signs shall not include any logos or advertising.

Double-faced sign shall mean a sign constructed to display its message on the outer surfaces of two (2) identical and/or opposite parallel planes.

Exterior display wall shall mean a colonnade or a wall with openings designed as an architectural feature at the front edge of an automobile dealership's display lot, designed to provide continuity with adjacent buildings and to improve appearance at the sidewalk.

Externally illuminated shall mean illumination by a light source located outside of and not attached to the surface of the sign. Illuminated tubing and strings of lights outlining portions of buildings shall be considered externally illuminated signs.

Erected shall mean attached, altered, built, constructed, reconstructed, enclosed or moved, and shall include the painting of wall signs.

Face of sign shall mean the entire surface of a sign upon which copy can be placed.

Flag shall mean any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol.

Flashing sign shall mean any sign which is perceived as an intermittent or flashing light.

Fraternal organization shall mean a group of people associated or formally organized for a common purpose, interest or pleasure, which shall include lodges, social halls, and union halls.

Freestanding sign shall mean a sign fixed in an upright position on the ground not attached to a building or any structure other than a framework or device, erected primarily to support the sign.

Fundraising event sign shall mean a temporary sign announcing a *fundraising* drive or event of a civic, philanthropic, educational or religious organization. Political *campaign* signs are not included under this category.

Garage sale sign shall mean a sign with a message advertising the resale of personal property that has been used by the resident.

Governmental buildings. For the purpose of this article, shall mean and include: City, County, State and Federal buildings.

Grand opening sign shall mean a temporary sign or banner erected one (1) time only for a limited period of time to announce the opening of a new business.

Height shall mean the vertical distance from the uppermost point used in measuring the area of a sign to the ground immediately below such point or the level of the upper surface of the nearest curb of the street upon which the sign fronts, whichever measurement is the greatest.

Historic sign shall mean any signs that have been determined by the Historic Advisory Board to have historic merit.

Identification sign shall mean a sign which serves to tell only the name, address, business and/or profession of the occupant, or use of the building upon which the sign is located, and which may include an emblem, insignia or logo.

Illegal sign shall mean a sign erected in violation of the laws in effect at that time, and not in conformance with the regulations of the Alameda Municipal Code at the time of adoption of this article.

Informational sign shall mean any sign which is designed and erected solely for the purpose of communicating information for the safety or convenience of the public, such as telephone, danger, rest rooms.

Institutional uses shall mean uses such as schools, churches, fraternal organizations, community, governmental, and public recreational facilities, hospitals and convalescent homes.

Internally illuminated shall mean a sign whose light source is located in the interior of the sign so that the rays go through the face of the sign.

Light source shall mean a bulb or tube from which light is emitted when it is activated, including but not limited to incandescent filament bulb, electric discharge bulb, neon tube, and fluorescent tube.

Marquee shall mean a permanent structure extending over the entrance to a building, attached to and supported by the building or freestanding and self supporting.

Menu reader board shall mean any sign intended to provide information to patrons while using a drive-through facility.

Menu, window sample shall mean a copy of a restaurant's regular tableside or take out menu(s), placed in the window for the intent of allowing pedestrians to view such information as the restaurant's food items, hours of availability and prices.

Moving sign shall mean a sign which has any actual or apparent moving parts, activated in any way by mechanical or electrical devices or by wind currents. Signs which change or appear to change color or intensity of lighting shall be included.

Multiple-faced sign shall mean a sign constructed to display its message on a curbed surface or on two (2) or more planar surfaces.

Nonconforming sign shall mean any advertising structure or sign which was lawfully erected and maintained prior to the adoption of this article, and which has subsequently come under the requirements of this article, with which it does not completely comply.

Nonilluminated shall mean neither directly nor indirectly lighted and containing no material that is made for the purpose of being reflective or fluorescent.

Official sign shall mean a sign or signs required by governmental body to discharge its legally required function.

Off-premises directional sign shall mean a sign identifying a publicly owned facility, emergency facility, tenants within a business park, temporary subdivision signs, which are no greater than thirty (30) square feet in area. Such facilities and business parks may have no more than two off-premises directional signs. Real estate signs are not included in this definition.

Off-premises sign shall mean any sign identifying a use, facility, service or product which is not located, sold, or manufactured on the same premises as the sign or which identifies a use, service or product by a brand name which, although sold or manufactured on the premises, does not constitute the principal item for sale or manufactured on the premises.

On-premises sign shall mean any sign identifying a use, facility, service or product which is located, sold, or manufactured on the same premises as the sign.

Parking lot shall mean an area of land which is accessible and usable for the off-street parking of motor vehicles, except for land designated for product display by new and used automobile dealers.

Pennant shall mean a long, narrow, usually triangular flag.

Permanent sign shall mean any sign for which a sign permit is issued with no time limit in accordance with the provisions of this article. Any mention of signs in this Article shall be considered to mean permanent signs unless there is a specified time limit or reference to temporary (e.g., promotional) signs.

Political campaign sign shall mean a sign designed for the purpose of advertising support of or opposition to a candidate or proposition for a public election.

Portable freestanding sign shall mean a sign that is designed to be movable and is not structurally attached to the ground, a building, structure, or any other sign. Included are signs built in the configuration of an "A" or an "T" frame, and signs mounted on rollers or slides.

Privilege sign shall mean a standardized sign supplied at nominal cost or free to a retailer where a portion of the sign face identifies the products of a regional or national distributor or manufacturer available only incidentally on the premises, and a portion of the sign identifies the local retailer. Signs identifying the primary commodity, service or activity available on the premises, such as signs for auto dealerships, gasoline stations and chain stores and businesses, shall not be included in this category.

Promotional sign shall mean any temporary sign or device (other than permanent signs used to identify the business' or organization's name) used for advertising, examples of which include but is not limited to the promotion of limited time offers of gifts, products or sale prices.

Projecting sign shall mean any sign which is suspended from or supported by a building or wall and which projects outward therefrom. Signs suspended under a porch or permanent walkway covering shall be included.

Real estate sign shall mean a type of temporary sign indicating that a property or any portion thereof is open for inspection, for sale, for rent, or otherwise available or directing people to such a property. Temporary subdivision signs are not included under this definition.

Recreational facilities for the purposes of this article, shall mean and include public parks, and facilities for physical recreation such as golf, tennis, swimming and boating.

Reflective sign shall mean a sign which is not electrically illuminated, but which responds to light, such as from passing auto headlights by shining or glowing.

Roof sign shall mean any sign erected upon or above the roof or parapet of any building, including any porch, marquee, walkway covering, or similar roof like structure.

Seasonal decorations shall mean temporarily erected greetings, ornamentation and displays that relate to an established and recognized holiday, such as July 4 or Christmas, which contain no advertising.

Seasonal sales sign shall mean a temporary sign or banner erected for a limited period of time to identify a seasonal business such as Christmas tree lots.

Sign structure shall mean any device whose primary function is to support a sign.

Single-faced sign shall mean a sign constructed so that its message is displayed on a single plane, and is viewable from only one (1) side of the plane.

Streamer shall mean any, ribbon-like flag or banner that relies on wind motion to attract attention.

Subdivision sign shall mean a sign containing the name, location, or directions to a builder, developer, and pertinent information about a subdivision for which there is a properly approved and recorded map, and in which homes or units in a building remain to be constructed, completed or initially sold.

Temporary sign shall mean any sign or advertising display, including all forms of “promotional signs” as defined by this Section, which is typically but not necessarily either made of paper, poster board, cardboard, cloth, canvas, fabric, plywood or other light materials, or painted directly onto windows, and is designed or intended to be displayed for a short period of time.

Vehicular sign shall mean a vehicle which has a sign mounted or painted thereon which is used primarily as the sign structure and not as a vehicle.

Wall sign shall mean any outward-facing sign affixed to a building or fence, at no point projecting more than six (6”) inches horizontally from the surface upon which it is attached.

Window display shall mean any collection of merchandise or artifacts, arranged in a 3-dimensional display behind a window, typically intended to provide pedestrians with a visual display of the items available for sale. The term “window display” excludes “window sign” as defined by this Section, but may include incidental price labels on the items being displayed.

Window sign shall mean any sign: (a) painted on, affixed to, or placed adjacent to, a window, door or opening or located inside within a distance of 3’ or less from a window, door or opening, or any sign located behind a window or door or within an opening; and (b) designed to be viewed from the outside of the building. The term “window sign” excludes “window display” as defined by this Section.

30-6.3 General Requirements on On-Premises Signs

This subsection provides regulations pertaining to all On-Premise signs, and prescribes the maximum number of permanent on-premises signs and temporary promotional on-premise signs, and the maximum total area of such signs, that is permitted. The following subsection, “30-6.4 Requirements by Sign Type,” prescribes additional limitations for the placement and size of specific types of permanent on-premises signs.(e.g. “awning,” “wall,” “window” signs)

a. *Regulations Pertaining to All On-Premise Signs:*

1. *Permit Required for All Permanent Signs.* In order to assure compliance with the regulations of this Section, no permanent sign (including signs that do NOT require building permits) may be installed until a Sign Permit has been issued. Sign Permit applications shall be filed with the Planning Department, and reviewed by the Planning Director, or person so designated.
2. *Banners May Not Be Used as Permanent Signs.* Except where permitted as a temporary grand opening sign, banners may not be used as a sign to identify a business. Banners, regardless of mounting, may not be used as a permanent sign. Signs Not Included in Allowable Maximums. Exempt signs, temporary signs other than promotional signs, and conforming off-premises signs shall not be included in the determination of the total allowable number of signs or total allowable sign area for a site.
3. *Maximum Permitted Area of Any One Individual Sign.* The maximum area for any sign shall be fifty (50) square feet unless a smaller area is required by other regulations prescribed in the Section.

b. *Number of Signs Allowed:*

1. The maximum number of permanent on-premises signs per first floor use allowed for each building frontage in any zoning district is two (2), exclusive of directional signs and window signs.
2. The signs may be multiple-faced and in any combination except that a business or other use, other than a use with a drive through facility, may not have:
 - (a) More than one (1) freestanding sign per lot.
 - (b) More than one (1) projecting sign per use.
 - (c) A combination of one (1) projecting sign and one (1) freestanding sign.
3. Notwithstanding the above prohibition on more than one (1) freestanding sign, uses with drive through facilities may be allowed to install a maximum of two (2) additional freestanding signs, but only to serve as menu reader boards and primarily viewable only from vehicles in the use's driveway.
4. The allowable number and type of business oriented directional signs shall be approved on an individual basis by the Planning Director.
5. See Subsection 30-6.3 c.1.(c) below for number of signs allowed for non first floor uses.

c. *Sign Area Allowed:*

1. *Business.* The maximum total sign area shall be determined by measuring the building frontage of the business.
 - (a) Except as provided in subsection (c) below, the total allowable sign area for a first floor business with a single building frontage shall be one (1) square foot of sign area per linear foot of building frontage, with a minimum allowed sign area of up to twenty-five (25) square feet and a maximum of one hundred (100) square feet.
 - (b) For a first floor business with more than one (1) building frontage, or which occupies more than one (1) building, each building frontage shall be considered separately. The total sign area for any single first floor business shall not exceed one hundred fifty (150) square feet.
- (c) Multiple occupancy building
 - (1) First floor tenants whose businesses are visible from a public street, walkway or parking lot shall be entitled to a sign area based on the amount of building frontage used by that tenant, with an allowed sign area of up to twenty-five (25) square feet.
 - (2) Second story tenants shall be entitled to either: one (1) window identification sign which shall not occupy more than twenty-five (25%) percent of the area of any one window; or one (1) awning sign no larger than five (5) square feet.
 - (3) Tenants above the first floor level, and tenants whose businesses are not visible from a public street, shall be entitled to signs as part of a directory sign, either freestanding or mounted on the building frontage; three (3) square feet maximum per tenant.

d. Home occupation: No signs shall be allowed.

2. *Non-residential Complexes, Shopping Centers, Residential Subdivisions, Mixed-Use Projects, Historic Districts and other Planned Development Projects:*

- (a) Individual standards shall be set for each project. Requirements for similar uses discussed in this article shall serve as guidelines.

- (b) All signs, temporary and permanent, shall be approved by the Planning Director pursuant to a coordinated signing program. The program shall coordinate the following items:
 - (1) Location, number, size and mode of display.
 - (2) Colors, materials and illumination.
 - (3) Temporary signs: duration of use.
3. *Multiple-Residential*. The maximum total sign area for multiple-residential development shall be as follows:
 - (a) Apartments, condominiums [three to ten (3-10) units]: Ten (10) square feet.
 - (b) Apartments, condominiums [above eleven (11) units]: Twenty (20) square feet.
 - (c) Rooming/Boarding houses: Ten (10) square feet.
 - (d) Convalescent homes: Fifteen (15) square feet.
 - (e) Bed and breakfast facilities: Four (4) square feet.
4. *Professional Office*. The maximum total sign area shall be as set forth in Subsection 30-6.3 c. 1. above for businesses, plus the following maximum total sign area per building frontage:
 - (a) Residential districts: Five (5) square feet.
 - (b) All other districts: Twenty (20) square feet identification sign, and a directory sign, three (3) square feet per tenant up to a maximum of thirty-six (36) square feet.
5. *Hospitals*. The maximum total sign area shall be one hundred fifty (150) square feet.
6. *Religious, Educational, Governmental, Recreational*. The maximum total sign area shall be twenty (20) square feet.
 - (a) Nursery schools, day care, group care and family care centers: Fifteen (15) square feet.
7. *Charitable, Social, Fraternal, Union*. The maximum total sign area shall be fifteen (15) square feet.
8. *Construction Site*: One (1) on-premises temporary sign not exceeding thirty-six (36) square feet in area. Duration shall be limited to the period of construction. (A Use Permit is required in all residential zoning districts, as regulated under Section 30-21.3.)

30-6.4 Requirements by Sign Type

a. Calculation of Sign Area.

1. *Single-faced signs*: The area shall be that within the outer-most border or edge of the sign.
2. *Double-faced signs*: The area shall be that within the outermost edge of one (1) face of the sign.
3. *Multiple-faced signs and three (3) dimensional shapes*: The area shall be the area of their maximum projection upon a vertical plane.
4. *Borderless Signs*: The area shall be that within a single polygon drawn with straight lines and right angle corners to enclose all sign parts.
5. *Awning Signs*: The area shall be the sum of the sign areas on each plane of the awning. The area of each sign shall be calculated in the same manner as for borderless signs.

6. *Sign-Support Structures*: The area of sign-support structures other than posts or brackets, shall be calculated as sign area only when the appearance of such structures attracts attention for advertising, instructional or informational purposes.
7. *Directional Signs*: The area of business oriented directional signs shall be included within the total allowable sign area for the site.

b. *Wall Signs.*

1. Signs shall be located only on building frontages which are adjacent to a public street, walkway or parking lot.
2. Signs shall not at any point project from the surface upon which they are attached more than required for construction purposes and never more than six (6) inches.
3. Signs shall be placed no closer to either side of an adjacent business wall than a distance equal to ten (10%) percent of the length of the wall. Signs placed closer shall be subject to twenty-five (25%) percent loss in total allowable sign area.

c. *Window Signs.*

1. Signs shall be permitted only for windows, doors or openings as set forth in the definition of "window sign" that are located on the first and second floors of the building frontage.
2. Signs shall be mounted on the inside of or painted on windows, doors or openings as set forth in the definition of "window sign".
3. No Permanent and/or Temporary window sign shall be larger than ten (10) square feet, and shall not occupy more than twenty-five (25%) percent of the area of any one (1) window. For the purposes of this section window shall mean the area defined by the framing of the window. Exempt signs, as described in Subsection 30-6.7, and window displays as defined by this Section, shall not be considered "window signs" for the purpose of determining compliance with this sub-section.

d. *Projecting Signs.*

1. Signs shall be mounted only on the building frontage of a business.
2. Signs shall not be permitted for residential uses.
3. Signs shall be limited to street level for street level uses.
4. The design configuration and location of the sign shall not block the visibility of other signs on adjoining businesses.

(a) Projection and area:

Business Frontage	Maximum Projection	Maximum Sign Area
30 ft. or more	6 ft	25 sq. ft
29 ft. or less	4 ft.	20 sq. ft.

- (1) No sign shall project above the eave line of a building, or a sill of a second story window.
 - (2) All signs shall have a minimum vertical clearance of eight (8') feet from the ground to the bottom of the sign or sign structure.
 - (3) No sign shall project within two (2') feet of a curb line.
- (b) Side set in for businesses with building frontage sharing common sidewalks:
- (1) Businesses with a building frontage of more than thirty (30') feet, the sign shall be set in a minimum of fifteen (15') feet from each sidewall.

- (2) Businesses with a building frontage of thirty (30') feet or less, the sign shall be centrally located; adjacent businesses may stack signs along a common side wall if the signs are of compatible designs and material.
- (c) Thickness: The maximum thickness of a projecting sign shall not exceed that required for construction purposes, and not exceed six (6) inches.

e. *Awning Signs.*

- 1. Signs shall be located only on the building frontage of a business.
- 2. Signs shall be limited to street level and second story occupancies.
- 3. Signs may be located on more than one (1) plane of an awning and shall be considered as one (1) sign.
- 4. The maximum sign area for an awning sign shall be thirty-six (36) square feet.
- 5. The design configuration and location of the awning shall not block the visibility of other signs on adjoining businesses as seen by passersby on the street.

f. *Freestanding Signs.*

- 1. Signs shall not be permitted in areas zoned for residential use, except for institutional uses.
- 2. There shall be a minimum of seventy-five (75') feet between any two (2) freestanding signs. The purpose of this provision is to avoid one (1) freestanding sign blocking the visibility of another sign on an adjoining site.
- 3. The maximum height for freestanding signs shall be as follows:
 - (a) Identifications sign: Twelve (12') feet.
 - (b) Subdivision and construction sign: Ten (10') feet.
 - (c) Directory sign: Eight (8') feet.
 - (d) Directional and informational sign: Six (6') feet.
 - (e) Exempt signs: Six (6') feet.
- 4. Signs shall not project over public property or vehicular easement or right-of-way.
- 5. Landscaping shall be provided at the base of the supporting structure or the freestanding sign shall be incorporated into landscaped areas as determined by the Planning and Building Director.
- 6. Sign area shall be allowed as follows:
 - (a) Square footage allotted to a building may be transferred to a freestanding sign in lieu of its use on the building up to a maximum of thirty (30) square feet (area of one (1) face).
 - (b) When there is no building on the lot, or when a building does not cover the entire frontage of a lot, additional square footage for use on the freestanding sign shall be allowed at the rate of one-half (1/2) square foot per linear front foot of that portion of the lot on which there is no building, up to a maximum of thirty (30) square feet (area of one (1) face).

g. *Marquee Signs.*

- 1. Signs shall be mounted only on the front and sides of a marquee.
- 2. Signs shall not project more than six (6") inches from the face of the marquee.
- 3. Signs shall not extend above the top or below the bottom of the marquee.
- 4. The maximum total area for marquee signs shall be twenty-five (25) square feet.

h. *Privilege Signs.*

1. The type of sign and its materials and colors shall be compatible with the architectural style of the building upon which it is to be located.
2. No more than twenty-five (25%) percent of the total sign area available under subsection 30-6.3 may be used to advertise the supplier of the sign.

i. *Directory Signs.*

1. Directory signs shall not display any logos or advertising.

30-6.5 Variances Limited to Certain Provisions of Sign Regulations

The provisions of Section 30-21 of this article shall apply only to subsections 30-6.3.b; "Number of Signs Allowed," 30-6.3.c; "Sign Area Allowed," and 30-6.4; "Requirements by Sign Type."

30-6.6 Illumination of Signs

- a. No artificial exterior light used for the purpose of lighting any sign shall be so located as to result in the directing of light on to or reflecting glare upon any adjacent property or public right-of-way.
- b. External light sources shall be directed and shielded to prevent direct illumination of any object other than the sign.
- c. No brightly illuminated signs shall be allowed in, or within two hundred (200') feet and facing any residential zoning district. (Exception: hospitals.)
- d. Light source shall utilize energy efficient fixtures.

30-6.7 Signs Exempt

The following types of signs shall be exempt from the provisions of these regulations:

- a. *Regulatory Sign.* Any sign erected and maintained pursuant to and in discharge of any governmental function or required by any law, ordinance or governmental regulation.
- b. *Bench signs,* when located at designated public transit bus stops.
- c. *Commemorative plaques,* if installed and maintained by government agencies or recognized historical societies and organizations
- d. *Emblems and Symbols.* Religious symbols, legal holiday decorations and identification emblems of religious sects, orders or historical societies.
- e. *Vehicle Signs.* Signs on licensed commercial vehicles, including trailers; provided, however, that such vehicles shall not be utilized as parked or stationary outdoor display signs.
- f. *Business District Directory Signs.* Signs provided by the City for pedestrian identification of nearby businesses.
- g. *Address.* Street number and street name not exceeding two (2) square feet in area per single family or duplex unit, and four (4) square feet in area for all other uses.
- h. *Affiliation Sign.* Signs not exceeding one-half (1/2) square foot in area per sign, and six (6) in number per business.
- i. *Barber Pole,* but shall contain no advertising.

- j. *Flags.* Flags of any nation or political jurisdiction shall be exempt provided that the pole height for flags mounted on poles shall not exceed twenty-five (25') feet, except upon approval of a design review application which includes photographs and drawings submitted by the applicant, in order to achieve compatibility of scale with nearby large buildings and landscaping, and provided that the length of the flag shall be no more than one-quarter (1/4) of the height of the pole. Weather flags, nautical flags and pennants when displayed on boats, in marinas, or on any land area within fifty (50') feet of water frontage, shall be exempt provided that they shall be primarily viewed from the water and void of any commercial intent.
- k. *Gasoline Sign.* Pump signs identifying the type and octane rating shall be permanently affixed to the pump, not to exceed two (2) square feet in size and two (2) in number per pump for each gasoline type dispensed. Price signs readable from adjacent streets shall be in accordance with the requirements of the Business and Professional Code of California as to wording, coloring and size of letters and numerals, and shall not exceed five (5) square feet in area.
- l. *Historic Sign.* Any signs that have been determined by the Historic Advisory Board to have historic merit.
- m. *Hours of Operation Signs.* Signs displaying such information as the hours of operation, emergency contacts and whether or not a business is open or closed. Such signs shall not exceed two and a half (2.5) square feet.
- n. *Interior Sign.* Signs located within the interior of any building, mall, arcade, complex or structure and not visible from any public street, walkway or parking lot.
- o. *Residential Nameplate.* One (1) sign not exceeding two (2) square feet in area per single family or duplex unit.
- p. *Crime Prevention Neighborhood Watch Signs.* Signs identifying an area participating in a Police Department approved Neighborhood Watch Program. The allowable number, location and design of said signs shall be approved on an individual basis by the Planning Director. Maximum sign area: three (3) square feet; minimum ground clearance: seven (7') feet; maximum height: nine (9') feet.
- q. *Signs Designating Drug Free Zones.* Signs identifying the City of Alameda as a Drug Free Zone area. Maximum sign area: three (3) square feet; minimum ground clearance: seven (7') feet; maximum height: nine (9') feet.
- r. *Hospital Directional Signs.* Off-premises signs directing uses to twenty-four (24) hour emergency care facilities. The copy of such signs shall consist of "H", and/or "Hospital", and/or an arrow and shall not contain any advertising in the form of the specific facility name or logo. The allowable numbers, location and height of said signs shall be approved by the Planning Director and City Engineer. The total sign area in square feet for all signs mounted on the same pole or other structure at each location shall not exceed three (3') feet in area, excluding arrow.
- s. *Non-commercial, Political, Religious or Public Service Signs.* Signs containing noncommercial, political, religious or public service messages provided that these signs are used exclusively to display such messages and comply with the applicable advertising structure controls in subsection 6-3 of chapter VI of this Code.

- t. *Menu, window display*, provided total area of posted menus does not exceed two (2) square feet (e.g., an area 12" by 24"). Window menu displays in excess of 2 square feet may be permitted as window signs, subject to the limitations on number of signs, and area of signs, prescribed by sub-sections 30-6.3 and 30-6.4.

30-6.8 Temporary Signs

In addition to exempt signs, and the permanent signs permitted by this Section, the following types of temporary signs are permitted, subject to the following regulations and limitations. All temporary signs, other than promotional signs, are exempt from the number and size limitations prescribed by sub-sections 30-6.3 and 30-6.4. The time limitations for specific types of temporary signs are prescribed below:

- a. *Closed for vacation or remodeling sign*. One (1) sign not exceeding two (2) square feet that specifies a reopening date and which is removed no later than the day following the reopening date.
- b. *Fundraising Event Sign*: One (1) sign not exceeding four (4) square feet in area per parcel or business for all parcels zoned for residential use, and sixteen (16) square feet in all other zoning districts; located on private property, with the owner's permission, for a maximum of thirty (30) days and removed within two (2) days after the event.
- c. *Garage Sale*: On-premises signs and directional off-premises signs, for not more than two (2) days prior to and removed within one (1) day after the sale.
- d. *Grand Opening Sign*: Signs or banners erected one (1) time only, for a maximum of thirty (30) consecutive days, and not exceeding fifty (50) square feet in area per sign. All grand opening signs shall state, using letters at least one (1) inch in height, the date the sign was installed.
- e. *Political campaign sign*: Temporary signs on behalf of candidates for public office and for or against ballot measures, to be removed no later than two (2) days after the election.
- f. *Promotional Sign*: One (1) window sign may be located inside or outside the glazed area of each building elevation with a street frontage, for a maximum of 30 consecutive days, and cumulative for a maximum of ninety (90) days per year subject to the limitations on maximum window sign area prescribed by subsection 30-6.4.c. All promotional signs shall state, using letters at least one (1) inch in height, the date the sign was installed.
- g. *Real Estate Sign*: Real estate signs may be located in any zoning district, but may only be located on private property (subject to the granting of the owner's permission), and are subject to the following limitations:
 - 1. On-premises signs shall be located in accordance with the following:
 - (a) One (1) on-premises sign is permitted for the time period that the indicated property is available for sale or rent. For single family dwellings or duplexes, the sign area shall not exceed four (4) square feet in area. For multi-family dwellings, commercial, or industrial uses, the sign area shall not exceed sixteen (16) square feet in area.
 - (b) In addition, one (1) on-premises sign indicating the property is open for inspection not exceeding four (4) square feet in area. This sign may not be placed more than two (2) hours prior to the open house and must be removed within two (2) hours after the open house.

- (c) In addition, up to three (3) on-premises sign riders indicating information such as the agent's name and phone numbers, home warranties offered, or instructions on viewing the property. Each rider shall not exceed one (1) square foot.
- 2. Off-premises signs are limited to a maximum of six (6) per open house, not exceeding four (4) square feet in area per sign. Signs may not be placed on public property except for medians of public roads and sidewalks. Signs may not be placed on medians or sidewalks in a manner which obstructs pedestrian or vehicular traffic, or lines of sight. These signs may not be placed more than two (2) hours prior to the open house and must be removed within two (2) hours after the open house.
- h. *Seasonal Decorations*. Seasonal decorations are permitted, providing that they are not installed more than forty-five (45) days prior to, and removed not more than seven (7) days after a holiday.
- i. *Seasonal Sales Signs*. Signs to identify a seasonal business may be erected for a maximum of thirty (30) consecutive days. Wall, fence, free-standing signs and banners shall not exceed twenty-five (25) square feet in total area. The same signs cannot be reused for sixty (60) consecutive days. Dilapidated signs cannot be reused. Permission shall be obtained from the Planning and Building Director unless exempt under subsection 6-3.7
- j. *Special Event Signs*. Signs or banners with a holiday message identifying a civic or public event or holiday, and erected in any zoning district on private property with the owner's permission for not more than thirty (30) consecutive days and are removed within two (2) days following the event. Permission shall be obtained from the Planning and Building Director unless exempt under Section 6-3.6. Banners to promote such special events may be located within vehicular rights-of-way, subject to the approval of the City Manager, and compliance with Bureau of Electricity, Building Inspection and Public Works Department regulations. California State Department of Transportation approval may also be necessary for banners within the vehicular rights-of-way.

30-6.9 Prohibited Signs

- a. *Obscene or Offensive to Morals*. Signs containing statements, words, or pictures of an obscene, indecent or immoral character which appeal to the prurient interest in sex, or which are patently offensive and do not have serious literary, artistic, political or scientific value are prohibited.
- b. *Hazards to Traffic*. Other than when used for traffic direction, signs which contain or are an imitation of official traffic signs or signals are prohibited. No sign shall be erected in such a manner that its size, location, content, colors, or illumination will interfere with, obstruct, confuse or mislead traffic.
- c. *Hazards to Exits*. No sign shall be erected in such a manner that any portion of the sign or its support is attached to, or will interfere with, the free use of any fire escape, exit, or standpipe. No sign shall be erected which will obstruct any required stairway, door, ventilator or window.
- d. *Roof Locations*. Signs erected upon or extending above any part of a roof or false roof structure are prohibited.
- e. *Motion Devices*. Signs utilizing flashing lights, changing of color intensity, or mechanical moving parts are prohibited including all moving signs. (Exceptions: historic signs, barber

poles and, with a Use Permit, animated signs but only if determined by the Use Permit to have outstanding artistic merit.)

- f. *Excess Area.* Signs in excess of fifty (50) square feet.
- g. *Windblown Devices.* Except for exempt flags and banners, use of windblown or inflatable devices of any type is prohibited, including the production of smoke, bubbles, sound, or other substances.
- h. *Portable Freestanding Sign.* Portable freestanding signs are prohibited except for temporary service station and real estate signs on medians of public roads and sidewalks. Such temporary service station and real estate signs may not be placed on medians or sidewalks in a manner which obstructs pedestrian or vehicular traffic, or lines of sight.
- i. *Signs on Vehicles.* No vehicle may be used as a platform or substitute for a billboard or any other type of sign, whether on private property or within a public right-of-way.
- j. *Natural Despoliation.* Signs cut, burnt, limed, painted or otherwise marked on a rock, tree or field are prohibited.
- k. *In Storage.* Signs shall not be located on a premises so as to be visible from off of the site prior to erection or while in storage.
- l. *Dilapidated Signs, except Historic Signs.*
- m. *Abandoned Signs, except Historic Signs.*
- n. *Miscellaneous Signs and Posters.* The posting or painting of signs not otherwise defined or permitted in this article.

30-6.10 Abatement of Nonconforming On-Premises Signs

Any on-premises sign which does not conform to the regulations of this section shall be removed by the owner or possessor thereof within the period of time prescribed herein and the surface on which the sign was mounted or attached shall be patched, painted and otherwise repaired to remove all evidence of the former sign.

- a. Signs with the following prohibited characteristics shall be abated immediately:
 - 1. Obscene or offensive to morals.
 - 2. Hazard to traffic.
 - 3. Hazard to exits.
 - 4. Vehicular sign.
 - 5. Portable advertising signs.
- b. The following prohibited signs shall be abated within thirty (30) days:
 - 1. Motion devices.
 - 2. In storage signs.
 - 3. Wind blown devices.
 - 4. Abandoned signs.
 - (a) Continuation of abandoned sign: The owner or future user of an abandoned sign who desires to make subsequent use of the sign itself shall, within thirty (30) days of the abandonment, give written notification to the Planning & Building Director, and if approved by the Planning & Building Director resume use of the abandoned sign within thirty (30) days of the Planning & Building Director's approval. In the case of a sign structure, such written notification shall be given within one hundred eighty (180) days of the date of abandonment and the structure reused within one (1) year of such date.

5. Dilapidated signs.
 6. Damaged Sign. Damaged to the extent of fifty (50%) percent of its current replacement value.
 - c. All other nonconforming on-premises signs shall be abated either after the expiration of the useful life of the sign(s) for Federal income tax purposes or after a period equal to the number of years obtained by dividing the total cost of the sign(s) when installed by five hundred (500), whichever comes first, provided however, that no less than three (3) years from the effective date of this section* shall be allowed for amortization.
- * Editor's Note: As added by Ordinance No. 2028 N.S. effective January 2, 1981.

30-6.11 Removal of Nonconforming Signs

Any sign that is in noncompliance with the regulations of this section shall be removed prior to or upon the date designated for removal in the above abatement schedule. If the owner of, or the person or persons responsible for, the sign fails to remove the nonconforming sign, the owner of the premises upon which the sign is located shall be responsible for the removal of the sign and the work shall be done within ninety (90) days following the date of non-conformance. The procedure for the removal of all nonconforming signs shall be as follows:

- a. The Planning & Building Director, or his/her designated representative, may cause the removal of any nonconforming sign and supporting structure and shall charge the costs incurred against any of the following, each of whom shall be jointly and severally liable for said charges; provided, however, that any decision or determination of the Planning & Building Director may be appealed in accordance with the general provisions as set forth in paragraph c.:
 1. The permittee;
 2. The owner of the sign;
 3. The owner of the premises on which the sign is located;
 4. The occupant of the premises on which the sign is located;
- b. A sign and supporting structure removed by the City shall be held not less than thirty (30) days by the City, during which time it may be recovered by the owner upon payment to the City for costs of removal and storage. If not recovered prior to expiration of the thirty (30) day period, the sign and supporting structures shall be declared abandoned and title thereto shall vest in the City and the cost of removal shall be billed to the owner.
- c. A person appealing the decision of the Planning & Building Director shall file a notice of appeal with the Secretary of the Planning Board within fifteen (15) days of the decision. The Planning Board shall hear the appeal. The decision of the Planning & Building Director shall be affirmed unless the appellant establishes that the sign(s) has not yet become nonconforming pursuant to subsection 30-6.15.
- d. Nothing in this subsection shall be construed to relieve the owner of the sign or the premises on which the sign is located, the permittee or the occupant of the premises on which the sign is located from the duty of removing sign(s) at the time required by this section.

- e. Removal by the Planning & Building Director, or his/her designated representative is an alternate procedure and nothing in this subsection shall be construed as a limitation on the authority of the City to abate nonconforming uses under this section as a nuisance pursuant to Section 1-5 of this Code. All nonconforming signs are declared hereunder, as well as under Section 1-5, a public nuisance.

30-6.12 Special Requirements for Auto Dealerships within Auto Row

All other sign regulations shall apply to auto dealerships within auto row except as provided in this subsection:

a. Number of Signs Allowed.

1. The maximum number of on-premises signs shall be six (6) per auto dealership, exclusive of directional signs, and a maximum of three (3) signs per building side. Signs may be posted on the street facade of a building or a building facade facing a parking lot, provided that the lot is used by the same dealership.
2. An exterior display wall shall be considered a building frontage for purposes of sign placement. All exterior display walls shall be subject to design review.
3. The signs may be multiple-faced and in any combination except that a business may not have:
 - (a) More than one (1) freestanding sign per lot;
 - (b) More than one (1) projecting sign per auto dealership;
 - (c) A combination of one (1) projecting sign and one (1) freestanding sign.
4. Directional Signs. Each auto dealership may have a maximum of three (3) vehicle oriented safety and directional signs solely for the purpose of guiding traffic, parking, and loading or private parking inside the property, and not bearing advertising materials or business identification. Maximum sign area shall be four (4) square feet. Maximum height for freestanding signs shall be four (4) feet. Additional directional signs may be permitted by design review, based on a finding of necessity. Directional signs shall not be included in the computation of total number of signs nor total signage allowed.

b. Sign Area Allowed.

1. The maximum total sign area shall be determined by measuring the building frontage of the auto dealership.
 - (a) The total allowable sign area for an auto dealership shall be one (1) square foot of sign area per linear foot of building frontage, with a minimum of twenty-five (25) square feet and a maximum of two hundred (200) square feet.
 - (b) A component or department of an auto dealership, such as service and repair, which is on a separate parcel from the dealership shall be considered a separate business but shall comply with all sign regulations of Section 30-6, and the additional provisions of subsection 30-6.12 shall not apply.
 - (c) The maximum area for any sign shall be one hundred fifty (150) square feet.

c. Window Signs.

1. Signs shall not occupy more than twenty-five (25%) percent of the window area, except that a larger percentage may be covered in conjunction with a special event for a maximum of four (4) periods per calendar year, but in no case is the time period to exceed twenty (20) days per year, subject to approval of the Planning & Building

Director, upon submission of a written request. Time periods during which such larger window displays are allowed shall be included in the total time for special events as specified under point (e)(1) below.

d. *Freestanding Signs.*

1. The maximum height of freestanding identification signs shall be twelve (12') feet.
2. Freestanding signs are not subject to the seventy-five (75) foot separation requirement set out in subsection 30-6.4(f)2 but shall be placed to assure no view blockage of existing signs.

e. *Special Events Decorations.*

1. Special events decorations, including banners, and flags, except balloons, pennants and streamers, may be permitted in conjunction with a special event for a maximum of four (4) periods per calendar year, but in no case is the time period to exceed twenty (20) days per year, subject to approval of the Planning & Building Director, upon submission of a written request. Time periods during which window displays covering more than twenty-five (25%) percent of the window area are allowed, as specified under point (c)(1) above, shall be included in the total time for special events.
2. Balloons, pennants and streamers may not be used at any time.

30-6.13 Off Premises Signs – General Regulations

Off-premises outdoor advertising signs, where permitted, shall not:

- a. Exceed fifty (50) square feet.
- b. Be located on the roof of a building.
- c. Be located within:
 1. One thousand (1,000') feet of another off-premises outdoor advertising sign which does not conform to the provisions of paragraph a. where both of the signs do not conform to the provisions of paragraph a. or
 2. One hundred (100') feet of another off-premises outdoor advertising sign where one or both of the signs conform to the provisions of paragraph a.
- d. Excepting off-premises directional signs, be visible from a building or lot in a residential district.
- e. Excepting off-premises directional signs, be visible within one thousand (1,000') feet of any bridge, tunnel, dock or boat ramp.
- f. Be located so that a motorist would view the sign as adjacent to or behind a traffic signal or sign from a distance of one hundred (100') feet or less from the nearest curbline of the cross street at the intersection controlled by the traffic signal.
- g. Excepting off-premises directional signs, be located on a route designated on the General Plan as a scenic route.
- h. Excepting off-premises directional signs, be located on or adjacent to a parcel of land containing a structure listed on the historical building study list.
- i. Be located in residential or C-1 Districts.

30-6.14 Off Premises Directional Signs

Off premises directional signs require use permit approval pursuant to subsection 30-21.3.

30-6.15 Off Premises Signs – Abatement Schedule

Any off-premises sign which does not conform to the regulations of this section shall be removed by the owner or possessor thereof at the earliest of the following occurrences:

- a. The expiration of the useful life of the sign or signs for federal income tax purposes.
- b. The recovery of the owner's investment, including cost of installation, as measured by the sum of the net income earned. Net income earned shall mean gross revenues earned less expenses of operation and administration and a provision for ten (10%) percent return on invested capital.
- c. The passage of fifteen (15) years from the date of completion or acquisition of the sign; or
- d. The passage of five (5) years from February 16, 1973 (the effective date of Ordinance No. 1683); or
- e. One (1) year shall be added to the applicable paragraph a. through d. to compensate the owner for the cost of removal.

30-6.16 Conflicts with other Provisions

- a. Where there is a conflict between the regulations of this section and the regulations of any other section of this Code, the regulations of this section shall prevail; provided, however, that the regulations of other sections shall prevail in the following cases:
- b. Where the regulations of any other section are more restrictive.
- c. Where a Planned Development District has been established in accordance with the procedure set forth in subsection 30-4.13 paragraphs a. through n. of this Code, provided that any such Planned Development District regulations shall include comprehensive sign regulations encompassing the entire Planned Development District area.
- d. Nothing contained in Section 6-3 of this Code, shall be construed to authorize or permit any sign prohibited or regulated by this section.

Section 4. This Ordinance shall be in full force and effect from and after the expiration of thirty (30) days from the date of its final passage.

Presiding Officer of the City Council

Attest:

Lara Weisiger, City Clerk
City of Alameda

* * * * *

I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by Council of the City of Alameda in regular meeting assembled on the _____ day of _____, 2005, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this _____ day of _____, 2005.

Lara Weisiger, City Clerk
City of Alameda

CITY OF ALAMEDA

MEMORANDUM

To: Honorable Mayor and
Members of the City Council

From: William C. Norton
Interim City Manager

Date: March 9, 2005

Re: Recommendation to Approve Theatre Design Guidelines and Presentation of
Conceptual Parking Structure Designs

BACKGROUND

The Community Improvement Commission (CIC) has contracted with Michael Stanton Architecture (MSA) for pre-planning services for the proposed Historic Alameda Theatre rehabilitation, the new Parking Structure, and the new Cineplex. These services include the advancement of the master urban design and design criteria for the proposed parking structure and Cineplex.

DISCUSSION/ANALYSIS

Design Guidelines

The design guidelines for the proposed Cineplex and parking structure are intended to give direction to the Cineplex developer regarding basic design issues of importance to the community prior to expending funds for detailed drawings. The guidelines are intended to provide the developer with the City's general expectations for the overall building form, urban design features, and other elements of the design for the building. The design guidelines will be forwarded to the Cineplex developer, whose final design will be submitted to the City for review during the City's Design Review process.

These guidelines were presented and conceptually discussed at a Historical Advisory Board public meeting on February 3, 2005. The Planning Board held study sessions on February 14 and 28 to review the draft design guidelines for the Cineplex. The City also met with community and Alameda Architectural Preservation Society (AAPS) representatives on March 7 to discuss their recommendations. The guidelines were then revised to reflect the comments from these earlier meetings and will be presented to the Planning Board for approval on March 14 (Attachment A). Staff will verbally report on the Planning Board meeting at the City Council's March 15 meeting.

The preliminary parking structure design was discussed during the February 28 Planning Board meeting. Based on the comments received, revised conceptual designs will be presented again during its March 14 meeting to move forward with the design/build process. Staff would like to present these conceptual designs to the City Council at its March 15 meeting and solicit their comments. Based on the feedback provided by the Planning Board and the City Council, it is intended for MSA to develop a single conceptual design to be included as an attachment to the Request for Proposals (RFP) for the parking structure design/build contract. Final design will be

Dedicated to Excellence, Committed to Service

**Re: Report #5-E
3-15-05**

submitted to the City for review during the City's Design Review process.

Project Schedule

The project is proceeding along schedule, as previously reported to the community, with the anticipated opening of the parking structure in either October or November 2006. Since November 2004, the City has:

- Continued negotiations with MovieTECS for a Disposition and Development Agreement;
- Contracted with Michael Stanton Architecture (MSA) to complete design guidelines for the projects;
- Completed Phase II environmental and asbestos investigations and initiated geotechnical investigations for the proposed parking structure and Cineplex; and
- Advertised the Request for Qualifications for the parking structure.

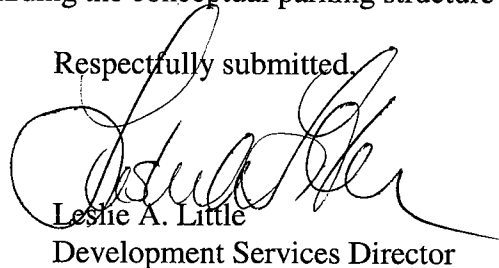
BUDGET/FINANCIAL IMPACT

This report does not reflect any additional funding requirements.

RECOMMENDATION

It is recommended that the City Council approve the design guidelines to give direction to the Cineplex developer and to provide feedback regarding the conceptual parking structure designs.

Respectfully submitted,

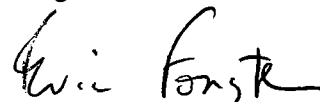


Leslie A. Little
Development Services Director



Dorene Soto (sy ef)

By: Dorene E. Soto
Manager, Business Development Division



Eric Fonstein
Management Analyst

WCN/LAL/DES/EF:rv

cc: Robb Ratto, Park Street Business Association

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**REVISED DESIGN
GUIDELINES FOR
THE PROPOSED**

**NEW
CINEPLEX**

**Alameda, California
08 March 2005**

Prepared for:
**Community Improvement
Commission
City of Alameda**

by
**Michael Stanton Architecture
444 De Haro Street, Suite 202
San Francisco, CA 94107
(415) 865-9600**

All drawings and written material appearing herein constitute the original and unpublished work of the Architect and the same may not be duplicated, used or disclosed without the written consent of the Architect.

Note: this Revised Design Guidelines for the New Cineplex has been formatted to show the changes from the draft reviewed by the Planning Board at its 24 February 2005 meeting. Deletions are indicated by a strike through. Text changes recommended by AAPS are in red, other changes are in blue.

Design Guidelines for the New Cineplex

I. GENERAL INTENT

The New Cineplex to be built at the corner of Oak Street and Central Avenue in downtown Alameda will adhere to the design guidelines given below. These design guidelines represent the City's general expectations for the Cineplex's overall building form, materials, ~~and~~ urban design features, and other elements of the design ~~required~~ of this new development. A draft of these Design Guidelines has been previously discussed by the Planning Board of the City of Alameda at its public meetings on 14 and 24 February 2005. Earlier these guidelines were conceptually discussed at a public meeting on 03 February 2005 at the Historic Advisory Board of the City of Alameda. This document has been modified to reflect the comments from these earlier meetings.

It is requested that the Planning Board of the City of Alameda at its ~~28 February~~ 14 March 2005 meeting approve these Design Guidelines. Once approved, they will be incorporated into the formal agreements between the City of Alameda and the developer of the New Cineplex. ~~and will represent the construction requirements.~~

II. EXTERIOR

A. Overall Design Approach

The design of the New Cineplex ~~should generally~~ shall adhere to the Secretary of the Interior requirements for new additions to historic structures. Paraphrasing these standards, the New Cineplex should be clearly differentiated from and subordinate to the Historic Theater so that the new construction does not appear to be part of the historic resource. The new construction may be executed in a contemporary design or it may reference design motifs from the Historic Theater, significant buildings in the Park Street Historic District, or nearby significant buildings including: City Hall, the Carnegie Building, and the Twin Towers Methodist Church. The new construction shall respect the character defining features displayed in the Historic District. The New Cineplex ~~In either case, it should always~~ be clearly differentiated from the historic buildings and be compatible in terms of mass, features, materials, relationship of solids to voids, and color. The new construction will adhere to the "recommended" and "not recommended" practices in the Secretary of the Interior's Illustrated Guidelines appended to these guidelines.

B. Bulk and Massing

The New Cineplex building is required to include the following:

1. The Cineplex ~~will~~ shall be designed with the its principal massing oriented to Oak Street and Central Avenue in the fashion of the multistory commercial buildings of the Park Street Historic Commercial District. This massing will strengthen the street walls of downtown and improve the sense of enclosure of the public open space of the sidewalk and vehicular thoroughfare.
2. The design shall acknowledge that both the Central Avenue and Oak Street facades are key elements of the urban context of Alameda and that each façade will be treated with equal importance.
3. ~~The Cineplex shall be designed to read as a single structure with each of its principal parts—the ground level retail, the auditoriums, the second level lobby, and the multilevel connection to the Historic Theatre—clearly articulated. Breaking the massing on the Cineplex into a series of vertical elements creating the impression of a series of smaller buildings is prohibited.~~

C. Architectural Form and Articulation

The New Cineplex is required to include the following:

1. The conceptual massing of the New Cineplex locates one of the second level cinemas at the corner of Oak Street and Central Avenue. Great attention shall to be paid to the massing and articulation of this element. A large blank wall will not be acceptable. The developer is required to design and detail this element with the care and attention its important location in Alameda merits. The developer is encouraged to consider a vertical, canted or rounded element at this corner. Inclusion of a tower element or bay windows at this corner should be explored by the architect for the cineplex. ~~This element must be submitted to the City of Alameda for approval.~~
2. ~~The developer of the New Cineplex may propose a projection of the individual cinema located on the second level at the corner of Central and Oak of up to two (2) feet beyond the property line. If proposed, this projection of the corner cinema must be consistent with Design Guideline C.1 above. The proposed projection must be submitted to the City of Alameda for consideration and possible approval.~~
3. The architect for the New Cineplex should consider employing a vertical emphasis above the storefronts to reflect the proportions of other significant buildings in and around the Park Street Historic District.
4. To enliven the public domain with the activity of the upper level lobby, the New Cineplex, shall ~~be glazed~~ have extensive glazing and shall project approximately three feet over the Central Avenue sidewalk.
5. The strong horizontal line created by the marquee of the Historic Theatre will be acknowledged across the façades of the New Cineplex and articulated in the detailing of the retail canopies, the mechanical level, or by other appropriate methods.
6. The design of the New Cineplex shall include regular transparent retail store frontage on Central Avenue and at the corner of Central and Oak. This retail store frontage shall be continuous except where emergency exits from the Cineplex and structural supports are required. The continuous retail store

frontage on Central Avenue and at the corner of Central and Oak will be required to be at least seventy-five percent (75%) transparent. Continuous blank structural walls greater than four feet in length are prohibited.

7. To provide a consistent visual expression at the street level and furnish pedestrian shelter from the elements, the design of the New Cineplex shall incorporate regular canopies over all of the new retail frontage on Central Avenue and Oak Street. These canopies shall be constructed of concrete, fixed metal, glass or other similar permanent material. These canopies shall project a minimum of five (5) feet from the building face.
8. Roof-top mounted mechanical equipment (including grease hoods, vents, and exhaust fans) will be permitted only on the highest roof of the New Cineplex and then only when fully screened from view in all directions (including the Parking Garage). Project sponsor shall provide a set of diagrams illustrating the full and complete screening of all equipment.
9. The massing of the New Cineplex at its intersection with the Historic Theater on Central Avenue shall be notched back to (1) receive the existing marquee of the Historic Theater and (2) open a partial view to the rounded corner façade and ornamental rosette of the Historic Theatre (see image below). The developer of the New Cineplex is encouraged to install windows in the new second level lobby that will allow patrons of the New Cineplex to view the rounded corner of the Historic Theater. See also Design Guideline D.2 following.
- ~~10. The massing of the New Cineplex along Oak Street at the property line with the New Parking Garage shall be notched back to afford a partial view of the facade of the Garage from the corner of Central And Oak.~~



Existing marquee and ornamental rosette of the Historic Theatre

D. Lighting

The lighting of the New Cineplex will be subdued and indirect so as not to compete with the entrance lighting and illuminated signage of the Historic Theatre. The New Cineplex will rely on interior illumination glowing through the windows to announce its presence to the public. In addition, the New Cineplex shall provide the following lighting:

1. The canopies at the retail storefronts shall contain downlights placed near the edge of the canopy at intervals of approximately six (6) feet on center to illuminate the sidewalk. The sidewalks shall be provided with a minimum of fifteen 15 footcandles per square foot. Project sponsor shall provide photometric data sufficient to ensure this criteria is met.
2. A concealed exterior uplight will be incorporated into the second level of the New Cineplex to illuminate the rounded corner façade and ornamental rosette of the Historic Theatre.
3. All exterior lighting will be controlled by a photocell and time clock to ensure the continuous lighting of the exterior during nighttime operational hours (minimum of dusk until midnight).
4. In the event that retail tenants have not been identified for the ground level retail space at the completion of construction and the space is to be left initially in shell condition, a continuous gypsum board soffit extending a minimum of three (3) feet from the face of storefront shall be installed within all the retail space. Recessed downlights approximately five (5) feet on center will be installed in this soffit to provide consistent illumination of the space adjacent to the public domain. These lights shall provide a minimum of fifteen 15 footcandles per

square foot to the floor area inside the storefront. The project sponsor shall provide photometric data sufficient to ensure this criterion is met. These downlights will be controlled by a house photocell to insure that there will be continuous illumination of the storefronts during the night. If the retail space has been fully leased at the completion of construction, the tenant's architect will be required to prepare a lighting plan that ensures a similar pleasing illumination of the space adjacent to the public domain is achieved. Prior to construction, this lighting plan and photometric data will be submitted to the City of Alameda for approval.

E. Signage

The signage of the New Cineplex will be subdued so as not to compete with the entrance and signage of the Historic Theatre. The New Cineplex shall provide the following signage:

1. One illuminated sign may ~~shall~~ be attached to the second level auditorium facing Oak Street. This sign may be mounted horizontally or vertically. This sign shall be composed of individual metal can letters with acrylic faces or individual neon letters. Each letter shall be no more than eighteen (18) inches in height. Each letter shall be illuminated and silhouetted.
2. One illuminated sign may ~~shall~~ be attached to the second level auditorium facing Central Avenue. This sign may be mounted horizontally or vertically. This sign shall be composed of individual metal can letters with acrylic faces or individual neon letters. Each letter shall be no more than eighteen (18) inches in height. Each letter shall be illuminated and silhouetted.
3. In the event that the architect for the Cineplex proposes a rounded or canted corner at Oak and Central (see C.1 above), a single vertical sign may be incorporated into this feature. This sign shall conform to the size and other requirements given in E.1 above.
4. In addition to signage the retail tenant may wish to install behind the glass of their storefront, each retail store shall be required to have two exterior signs. One sign shall be incorporated into the edge of the canopy and one shall be a blade sign perpendicular to the sidewalk located below the canopy. ~~The sign incorporated into the edge of the canopy may be internally illuminated. This sign shall be not taller than fourteen (14) inches in height and not more than eight (8) feet in length. The blade sign shall be approximately ten inches tall and three (3) feet in length with signage on both sides. The bottom of the blade sign shall be at least eight (8) feet above the public sidewalk. If an individual retail tenant has more than forty (40) feet of retail frontage or has exposure to both streets, the tenant shall may have two canopy signs and two blade signs consistent with the standards described in E.3 above. The architect for the new Cineplex shall submit with the final design of the cinema proposed retail sign standards describing design size and location of allowable tenant signs.~~
5. Scrolling LED signage is prohibited.

F. Materials and Colors

The exterior surfaces of the New Cineplex shall be constructed of high quality ~~may incorporate the following materials~~. Examples of acceptable materials are:

- Storefronts and Window Frames – Storefronts and windows may be of the following materials: stainless steel, aluminum with factory-applied powder coat finish, aluminum in a satin finish, or a frameless butt-glazed glass system. Wood frames and aluminum frames in a bronze anodized or black finish are not permitted.
- Glass – All glazing shall accentuate the transparency of the retail spaces and the second level Cineplex lobby. Glass may be clear glass, low energy, body-tinted, or enameled/screen printed glass (provided that it is highly transparent). Colored and reflective glasses are not be permitted. Obscure colored glass may be incorporated into upper level features such as false windows.
- Masonry Pressed Brick – Full-brick veneer walls may be used.
- Brick Plate – Fully grouted brick plate may be used after review and approval of the design and detailing by the City of Alameda.
- Terra Cotta – Veneer walls of terra cotta blocks may be used. Terra cotta trim pieces such as string courses and cornices may be used.
- Cement Plaster – Painted cement plaster may be used provided it is not located within ten feet of the vertical extension of the property lines along Oak Street and Central Avenue. If cement plaster is proposed for the property line wall with the Parking Garage, the design will have to demonstrate that it will not be easily tagged by graffiti artists.
- Extruded Foam Insulating System - Extruded Foam Insulating System (EIFS) products are not be permitted.
- Metal panels – Metal panels with factory-applied powder coat finish of sufficient thickness to avoid oil canning may be used. Field painted metal panels are not permitted.
- Concrete – Precast concrete panels and pour-in-place concrete walls with an architectural finish may be used. The proposed architectural finish of an exposed concrete wall must be submitted to the City of Alameda for approval prior to construction. These walls may have an integral color or be painted.
- Wood – Wood siding and exposed wood based products are not be permitted.
- Ornamental Stone – Stone slabs (minimum three centimeters thick) may be used as accents and as base material. Exterior stone tile is not be permitted.
- Glass Block - Glass Block may be used.
- Concrete Masonry Units – Use of concrete masonry units with an integral color and an architectural finish may be used. Other forms of exposed CMU will not be permitted.

Other materials not specifically discussed above must be submitted for review to CIC staff with and approval at the schematic design submittal required by the DDA. Alternate materials will be considered at this time only. If approved by the CIC at the schematic design submittal, the alternate materials may then be included in the final design submittal to the Planning Board.

III. INTERIOR

The Interior lobby of the New Cineplex that connects to the lobby of the Historic Theatre will be designed to accentuate the exposed façade of the Historic Cinema and the connections between the two buildings. The railings of the stairs, escalators, and guardrails facing onto the multi-level lobby will be glass and metal supplying at least eighty-percent (80%) transparency. This new multi-level lobby will be skylit and will feature a prominent window on the second level at the top of the escalator.

IV. STREETSCAPE

The New Cineplex will furnish the standard concrete sidewalk and curb as required by the Public Works Department of the City of Alameda. Along Central Avenue the New Cineplex will furnish street trees at a spacing consistent with the City of Alameda's requirements and the existing pattern of planting along Central Avenue. These street trees shall be consistent with the City's Master Tree Plan and subject to City Approval. The preferred street tree along Central Avenue is the London Pland Tree (*Plantanus acerifolia* Yarwood, Yarwood Sycamore). ~~Each new street tree shall have a minimum trunk diameter of six (6) inches or be from a 24 inch box.~~

While it is beyond the scope of work of construction for the New Cineplex, it should be noted that the City will study options for improving the pedestrian environment along Oak Street. Options to be studied include widening the sidewalk, introducing street trees, and providing other amenities.

- END OF DOCUMENT -

National Park Service



Historic Buildings *New Additions*

SEARCH | LINKS | E-MAIL

Standards
Guidelines
Masonry
Wood
Metals
Roofs
Windows
Entrances/Porches
Storefronts
Structural Systems
Spaces/Features/Finishes
Mechanical Systems
Site
Setting
Energy
New Additions
Accessibility
Health/Safety

An attached exterior addition to a historic building expands its "outer limits" to create a new profile.

Because such expansion has the capability to radically change the historic appearance, an exterior addition should be considered only after it has been determined that the new use cannot be successfully met by altering non-character-defining interior spaces.



Compatible new addition on rear elevation of historic building.

If the new use cannot be met in this way, then an attached exterior addition is usually an acceptable alternative. New additions should be designed and constructed so that the character-defining features of the historic building are not radically changed, obscured, damaged, or destroyed in the process of rehabilitation. New design should always be clearly differentiated so that the addition does not appear to be part of the historic resource.

Note: Although the work in this section is quite often an important aspect of rehabilitation projects, it is usually not part of the overall process of preserving character-defining features (identify, protect, repair, replace); rather, such work is assessed for its potential negative impact on the building's historic character. For this reason, particular care must be taken not to obscure, radically change, damage, or destroy character-defining features in the process of constructing a new addition.

Historic BuildingsNew Additions

recommended.....

Placing functions and services required for the new use in non-character-defining interior spaces rather than installing a new addition.

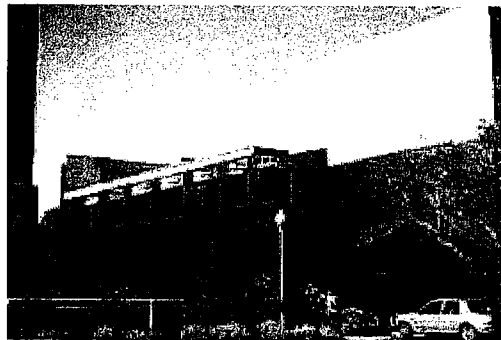
Constructing a new addition so that there is the least possible loss of historic materials and so that character-defining features are not obscured, damaged, or destroyed.

Locating the attached exterior addition at the rear or on an inconspicuous side of a historic building; and limiting its size and scale in relationship to the historic building.

Designing new additions in a manner that makes clear what is historic and what is new.



Small glass connector between two historic buildings with appropriate setback.



Contemporary addition (left) to historic library appropriately placed on secondary side elevation.

Considering the attached exterior addition both in terms of the new use and the appearance of other buildings in the historic district or neighborhood. Design for the new work may be contemporary or may reference design motifs from the historic building.

In either case, it should always be clearly differentiated from the historic building and be compatible in terms of mass, materials, relationship of solids to voids, and color.

Placing new additions such as balconies and greenhouses on non-character-defining elevations and limiting and size and scale in relationship to the historic building.

Designing additional stories, when required for the new use, that are set back from the wall plane and are as inconspicuous as possible when viewed from the street.

not
recommended.....

Expanding the size of the historic building by constructing a new addition when the new use could be met by altering non-character-

defining interior space.

Attaching a new addition so that the character-defining features of the historic building are obscured, damaged, or destroyed.

Designing a new addition so that its size and scale in relation to the historic building are out of proportion, thus diminishing the historic character.

Duplicating the exact form, material, style, and detailing of the historic building in the new addition so that the new work appears to be part of the historic building.



Changing the historic character of the streetscape with additions to rooftop and bay.

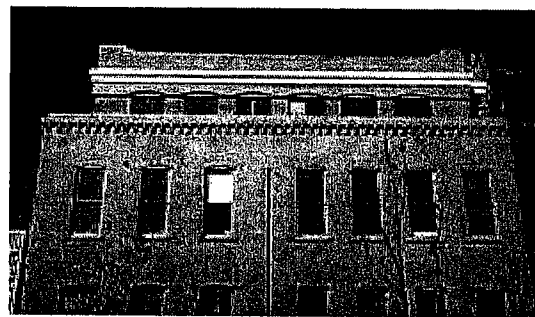
Imitating a historic style or period of architecture in new additions, especially for contemporary uses such as drive-in banks or garages.

Designing and constructing new additions that result in the diminution or loss of the historic character of the resource, including its design, materials, workmanship, location, or setting.

Using the same wall plane, roof line, cornice height, materials, siding lap or window type to make additions appear to be a part of the historic building.

Designing new additions such as multi-story greenhouse additions that obscure, damage, or destroy character-defining features of the historic building.

Constructing additional stories so that the historic appearance of the building is radically changed.



Rooftop addition that dramatically changes the appearance of the historic building.

KDW

